

DRAFT: Open Space Acquisition Policy Plan for Suffolk County



March 2004



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Suffolk County Department of Planning
Suffolk County # New York

draft

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Suffolk County Department of Planning

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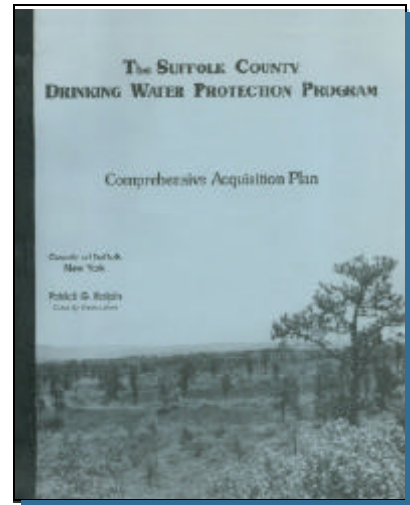
INTRODUCTION



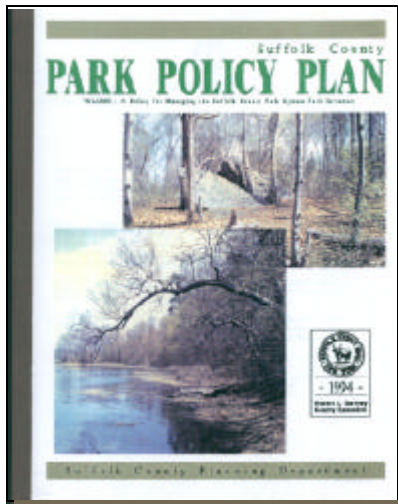
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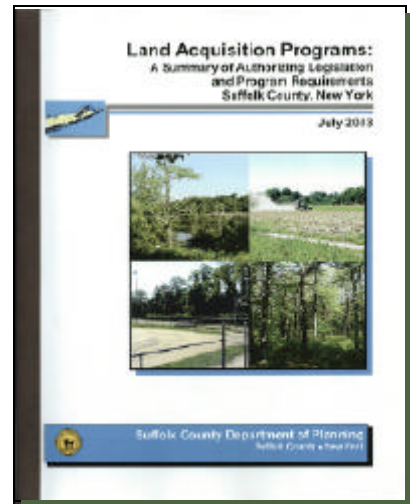
1990



1994



1998



2003

Open Space has been, and continues to be, an important benefit to the health and quality of life of present and future generations of Suffolk County's residents.

Introduction Graphics

Koppelman, Lee Edward, 1964. *A Plan for Open-Space in Suffolk County* (Hauppauge: Suffolk County Planning Commission). Cover.

Cohalan, Peter F. 1980. *Report to the Suffolk County Legislature, Open Space Policy* (Hauppauge: Office of the County Executive). Cover

Halpin, Patrick G. 1990. *The Suffolk County Drinking Water Protection Program* (Hauppauge: Suffolk County Department of Planning). Cover

Gaffney, Robert J. 1994 *Suffolk County Park Policy Plan, Volume I: A Policy for Managing the Suffolk County Park System Park Inventory* (Hauppauge: Suffolk County Department of Planning). Cover

Gaffney, Robert J. 1998 *Suffolk County Open Space Plan* (Hauppauge: Suffolk County Planning Commission). Cover

Suffolk County Department of Planning, *2003 Land Acquisition Programs: A Summary of Authorizing Legislation and Program Requirements, Suffolk County, New York* (Hauppauge: Suffolk County Department of Planning). Cover

Introduction

During the last five decades, Suffolk County has purchased more than 45,000 acres of land to preserve important environmental resources and significant ecological areas including wetlands, drinking water supplies, river corridors, and upland habitat such as the Pine Barrens in addition to land for active recreation and historic and/or cultural park uses. The County has also acquired the development rights to more than 7,500 acres of productive farmland. The result of these actions has been a permanent benefit to the health and quality of life for the present residents of Suffolk County and its future generations.

The acquisition of all land by Suffolk County is subject to the approval of the County Legislature and the County Executive. Each decision is, in essence, a policy decision, which is a statement of the intentions of Suffolk County government. Each decision represents a choice and a manifestation of the policies of the County's open space preservation programs.

It is the purpose of this report to review the policies of Suffolk County's land acquisition programs in a comprehensive manner and to clarify that policy for the future by providing updated policy guidelines. This report takes the acquisition process beyond the former, more limited approach, that only considered acquisitions on a categorical or case-by-case basis, and provides a foundation of understanding of the overall open space policy objectives of the County.

There are many factors that go into the land acquisition decision-making process that guide the Suffolk County Legislature and the County Executive. These include such inputs as:

- **STATUTORY REQUIREMENTS AND PARAMETERS OF** individual acquisition programs.
- Open space and water quality plans and reports.
- Professional advice of experts such as biologists, hydrologists, geologists, ecologists and environmental planners.
- Citizen input.

At the present time, the Suffolk County Department of Planning presents a case-by-case evaluation of each proposed open space acquisition site to the County Legislature's Environment, Planning and Agriculture Committee. Input is also provided by individual legislators who are familiar with the site, local environmental organizations, and local citizen groups. After consideration of all the information presented, discussion and debate ensues and a Legislative decision concerning acquisition of a parcel is made. The County Executive then offers final approval or disapproval. While it may appear to be a simple and straightforward process to select the best parcels for a particular program, precise methods to choose the most appropriate parcels for acquisition can be imperfect and subjective.

Adding to the complexity of the decision-making are the large number of varied open space programs that are funded by the County, each with different purposes and objectives. These include the preservation of drinking water supplies, environmentally significant natural habitats, farmland protection, and the purchase of land for active parkland (athletic fields, playgrounds, etc.). As the Legislature appropriates funding for the various open space programs of the County, it is making policy choices and determining priorities. This process is an important part of the balancing of competing programs but can be difficult to judge and weigh against competing priorities. For example, is the acquisition of a 10-acre parcel in a deep groundwater recharge zone in Western Suffolk as important as the protection of a 100-acre parcel in the deep groundwater recharge zone of the Pine Barrens Core? Is the 10-acre parcel more important because it is in a highly developed area with limited open space or is the 100-acre parcel in the 55,000 acre Core

DRAFT Open Space Acquisition Policy Plan

Area more important because it is contiguous to large parcels of protected open space and also overlays a large, high quality drinking water supply? These are the types of questions that require our best legislative and environmental expertise to answer.

In July 2003, the Suffolk County Department of Planning released the report titled *Land Acquisition Programs: A Summary of Authorizing Legislation and Program Requirements, Suffolk County, New York*. The report was the first in a series of three reports that detailed each open space acquisition program, its history, procedures, goals and accomplishments. This report, the second in the series of three reports, is intended to outline specific policy with regard to the acquisition of open space for at least the next decade. It details specific policy and the priority characteristics for acquiring land under the open space acquisition programs. The third and final report in the series will identify specific parcels and areas targeted for open space acquisition.

In order to more adequately aid in the evaluation of properties considered for open space acquisition, this report presents two revised rating forms: one for farmland and another for natural environments. A new rating form for active recreation, historic and cultural park uses has also been prepared. The rating form for natural environments updates the form known as "Exhibit A" that was first created for the County's Community Greenways Fund program that has been used as a generic evaluation form for various open space programs to date. These revised form provides a more detailed and comprehensive evaluation of significant environmental characteristics. The revised rating form for the farmland preservation program is a refinement of the long-standing ranking form presently used by the County Farmland Committee. The new rating form for active recreation, historic and/or cultural park uses provides information to guide the County's decision-making process to take into account the active recreational and historic/cultural park needs of residents.

In 1999, 83,000 acres or 37% of land in the five eastern Suffolk towns was available for development (including residential lots that can be further subdivided according to existing zoning regulations).¹ The five western Suffolk towns are far more developed with less vacant land available, allowing less available acreage for open space acquisitions. In light of this, it seems that the next 10 to 20 years, especially the next decade, will be the most critical time to acquire the remaining available open space before the County is almost completely built-out.

Based on present funding levels, Suffolk County has the ability to purchase thousands of additional acres in the next decade. While it is true that clear and unambiguous criteria for judging the best acquisitions is always recommended, it is also true that some parcels may have values that are more subjective in nature. The policies and rating forms contained herein can serve as a useful reference for the County in assessing and implementing a prudent open space acquisition program. This open space policy plan will act as a guide to decision-makers and will lay a foundation for Suffolk County to add to its open space inventory over the next decade. Such a policy plan will serve as a guide for the County's role among other levels of government and community organizations whose goal is open space preservation.

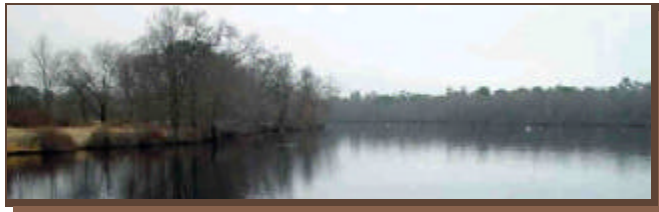
¹ Suffolk County Department of Planning, 2000, *1999 Land Available For Development, Eastern Suffolk County* (Hauppauge, NY), p. 8.

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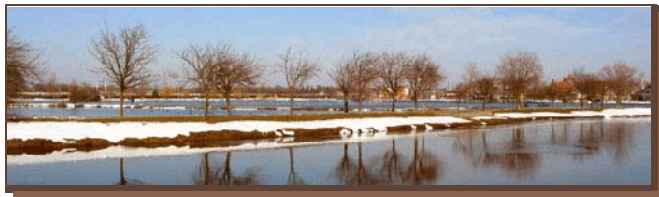
ENVIRONMENTAL SETTING



Peconic River



Connetquot River



Carlls River (Argyle Lake)



Carmans River



Nissequogue River

Suffolk County contains five main watershed river valleys: Nissequogue, Connetquot, Carlls, Carmans and Peconic. River corridors are just one of many important environmental features.

Environmental Setting

Peconic River - Peconic River, Brookhaven Town, looking south east over Swan Pond, 1996, Suffolk County Department of Planning photo.

Connetquot River - http://www.reco3.ams.sunysb.edu/~andrey/photo/Long_Island/Connetquot_River_Park/tn/DSC02056.JPG.index.html, downloaded 2/6/2004.

Carlls River, Argyle Lake - http://www.babylonvillagewomensclub.com/images/argyle_winter_big.jpg, downloaded 2/17/2004.

Carmans River-Carmans River and wetland at Great South Bay.
http://www.dos.state.ny.us/cstl/final_draft_html/tech_report_hm/embayment_uses/embayuse_steadman/Photo14.jpg. Downloaded 2/23/2004.

Nissequogue River - ©2001 Aerial Photography New York State Office for Technology.

Environmental Setting

Suffolk County's land area totals 911 square miles, and the County is 86 miles long and approximately 15 miles wide. Toward the eastern end of the County, the land area splits into two forks, separated by the Peconic Bay system. The landforms of the County are the result of gradual geologic processes. Most of the topographic features in present day Suffolk County were formed by the last ice age, which ended some 12,000 years ago. Glacial action created two lines of hills called "terminal moraines" that traverse the length of the County and reach a maximum altitude of 400 feet. A moderately flat land surface, called an outwash plain, extends southward from the southern line of hills (the Ronkonkoma moraine) to the south shore.²

THE MORAINES INFLUENCE surface drainage patterns, which flow over the outwash plains and enter into waters that surround Suffolk County on three sides. Suffolk County contains five main watershed river valleys (Carlls, Nissequogue, Connetquot, Carman's and Peconic); numerous ponds, lakes, and creeks; extensive bays, and frontages on the Long Island Sound and the Atlantic Ocean. In total, there are 986 miles of saltwater shoreline in the County. The north shore is characterized by headlands that have been steeply eroded into nearly vertical bluffs that reach almost 100 feet high in some places. Along the south shore, waves and ocean currents reworked the deposits to form offshore bars (barrier beaches) that enclose shallow embayments. The present locations of Long Island's streams were determined mainly by the ancient drainage pattern that developed during the last ice age. Accordingly, most of the streams flow in broad, shallow valleys that were formed by the much larger streams that existed during melting of the ice sheet.

Precipitation is the source of all naturally occurring fresh groundwater and surface water in Suffolk County. All of the drinking water on Long Island comes from underground sources (unlike New York City, which relies on reservoirs for its drinking water). Geologically, Long Island is made up of layers of sand, gravel, and clay on top of bedrock. The material overlying bedrock varies in thickness from zero in the northwest to a maximum thickness of over 2,000 feet in the south-central part of the Island. The groundwater reservoir of Suffolk comprises three main water-bearing units known as aquifers. These units, in descending order from the land surface, are the upper glacial aquifer, the Magothy aquifer (the largest aquifer and the prime source of public water supply), and the deep Lloyd aquifer. Part of the recharged water contributes to surface water in the form of streams and ponds, part flows deep underground and is discharged under bays and the ocean, and another part is withdrawn for drinking water use by the population. Tens of trillions of gallons of high quality fresh water are amassed in the underground reservoir. Human activities at the land surface affect the quality of recharge water to the aquifer system. Once introduced into the groundwater, contamination tends to migrate along with the flow of water in the system.³ This can be a very slow process so that the effect of contaminants can linger for decades, if not centuries.

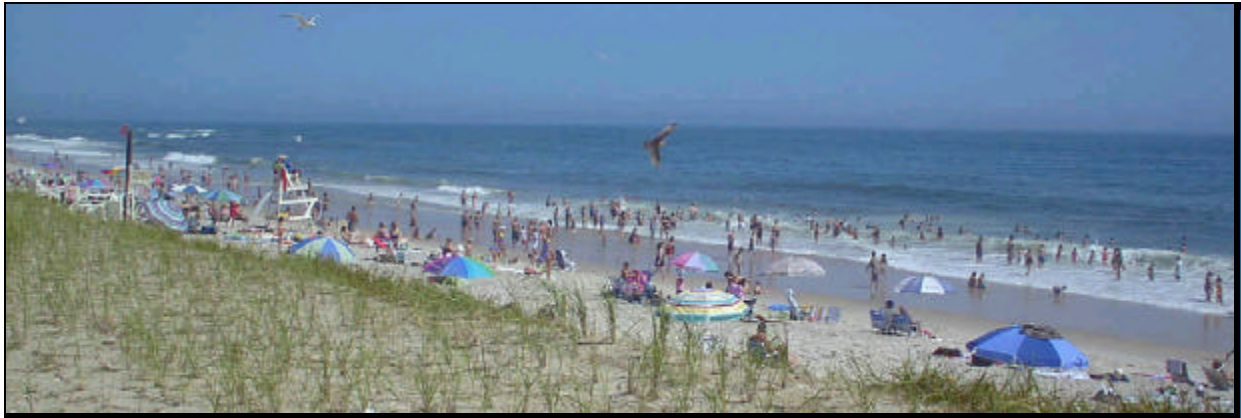
²Suffolk County Department of Health Services; Dvirka and Bartilucci, consulting engineers, and Malcolm Pirnie Inc., 1987, *Suffolk County Comprehensive Water Resources Management Plan* (Hauppauge, NY), pp. 1-7.

³New York State Department of Environmental Conservation. 1984, *Draft Long Island Groundwater Management Program, Executive Summary* (Albany, NY), p. 2.

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DEMOGRAPHIC AND ECONOMIC CHARACTERISTICS OF SUFFOLK COUNTY



Smith Point County Park



Scenic Farm Fields



Farmstand



Second Homes on Oak Island

*Farming, open space and tourism create a dynamic synergy which
reinforces Suffolk County's economy .*

Demographic and Economic Characteristics of Suffolk County

Smith Point County Park - Suffolk County Department of Parks website
<http://www.co.suffolk.ny.us/webtemp1.cfm?dept=10&id=879>, downloaded 1/30/2004.

Scenic Farm Fields - Suffolk County Department of Planning photo, 8/29/2003.

Farmstand -Harbes Family Farm, Mattituck, NY, <http://www.licvb.com/searchDetails.cfm?id=1952>,
downloaded 2/2/2004.

Second Homes on Oak Island, Babylon Town. - Suffolk County Department of Planning photo,
3/7/2004.

Demographic and Economic Characteristics of Suffolk County

Suffolk County is a suburban county located on Long Island east of New York City. It is bordered on the west by Nassau County, by the Long Island Sound to the north, the south shore bays and Atlantic Ocean to the south, and the Peconic Bay system and Gardiner's Bay to the east. Western Suffolk County epitomizes the post-World War II suburb, as most of its population growth occurred in just 20 years from 1950 to 1970. During that time, Suffolk's population quadrupled, increasing by 851,000. Today, although its population growth is much slower, Suffolk County's population continues to grow. The U. S. Census Bureau estimated that Suffolk County had a population of 1,459,000 persons in 2002, a two-year 2.8% increase over the 2000 census figure of 1,419,369. Between 1990 and 2000 the County's population increased to by 97,505 or 7.4% over the 1990 census figure. Based on the 2002 data, among 3,141 counties in the United States, Suffolk County ranks 23rd highest in population. The County also has a larger population than 12 U. S. states.

Suffolk County's population is projected to continue to increase moderately for the next two decades. Between 2000 and 2025, the County's population is projected to increase by nearly 20%. The Town of Riverhead is expected to increase the fastest in this time period, by more than 50%, followed by the Towns of Southampton, Southold, East Hampton and Brookhaven, where the most undeveloped land exists in Suffolk County today. Saturation population is the population which can be expected if all available land were to be developed according to existing zoning. In 1962, the saturation population was projected to be 3.4 million people in Suffolk County. The County's projected saturation population has declined markedly in recent decades. Due to zoning changes, land preservation efforts and declining household sizes, a much lower saturation population is now expected. It is estimated that Suffolk County's saturation population is 1.7 million persons, and may be approached by around the year 2025.

Suffolk County's economy is very diversified, with 600,000 jobs across the spectrum of employment categories. Although defense-related employment once dominated, Suffolk County's largest employers now cover a wide range of industries, including medical care, telecommunications, banking, educational institutions, and department stores. Tourism is an important part of the County's economy, especially in the more rural eastern portion of the County. Suffolk County's coastline helps to make the area a very attractive place to live or visit. Suffolk County has 38,000 seasonal homes, more seasonal homes than all but a handful of counties in the country. The markets for housing and land in the county remain strong and high-priced. After holding steady for several years, housing prices began to increase more rapidly in 1999, rising by 7% in 1999, by 19% in 2000, 13% in 2001 and 30% in 2002. In December 2003, the median used-home price in Suffolk was \$325,000, up 16% over the 2002 figure and 71% higher than the year 2000 figure⁴.

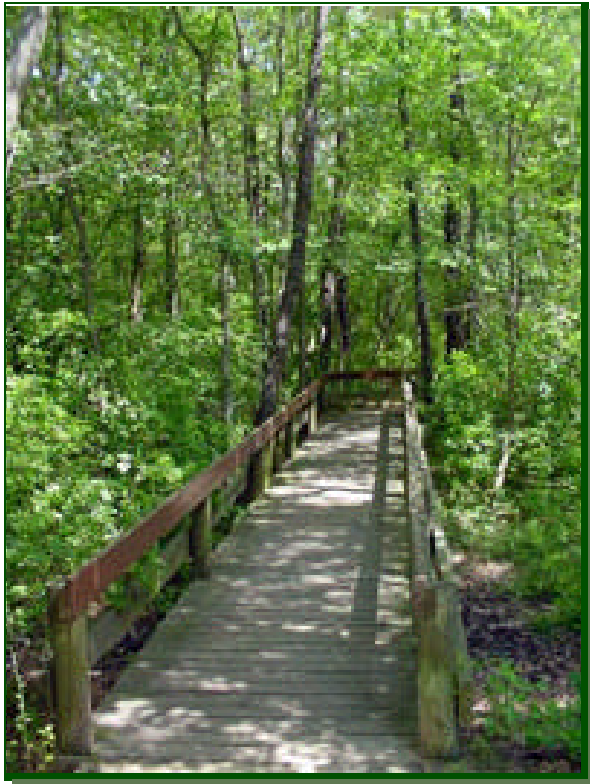
Farming, open space and tourism in Suffolk County are interrelated. Open space and farmland provide an open and rural character that offers a change from the congested areas in and around New York City. Eastern Suffolk's numerous farm stands offer fresh local produce to local residents and visitors. Figures from New York State indicate that Suffolk County had 32,500 acres of farmland in 2002, the vast majority of it in eastern Suffolk. However, farmland acreage is decreasing by about 1,400 acres per year. Yet Suffolk County continues to lead all New York State counties in the value of all agricultural products sold. In 2002, the annual market value of crops produced in Suffolk County was \$175 million. Suffolk is first in New York State in the production

⁴ Multiple Listing Service of Long Island, published data, figures for December of each year.

value of potatoes, cauliflower, broccoli, and nursery and greenhouse products. Suffolk County now accounts for 43% of all the market value of nursery and greenhouse products produced in New York State. Once famous for oysters, potatoes, and ducks, Suffolk County is becoming well known for its quality wines produced from the harvesting of grapes.

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OPEN SPACE



Lakeland County Park



Open Space Overlooking Ft. Pond Bay,
Montauk



Farmland Development Rights Purchase



Agricultural Land

Suffolk's residents benefit socially, environmentally and economically from the conservation and preservation of open space within their communities.

Open Space

Lakeland County Park - Suffolk County Department of Parks website
<http://www.co.suffolk.ny.us/webtemp1.cfm?dept=10&id=874>, downloaded 2/2/2004.

Agricultural Land - Suffolk County Department of Planning photo, 1/13/2004, Richters Orchard,
Pulaski Road, Northport, NY.

Open Space, Montauk - http://www.montauklighthouse.com/hist_photos2.htm,
downloaded 2/18/2004.

Farmland Development Rights -Gatz Farm, Riverhead Town, Suffolk County Department of Planning
photo, 11/3/2003.

Open Space

Definition of Open Space

Among the many powers that local governments have for conserving open space is a provision in the Municipal Home Rule Law that authorizes the adoption of local laws for the protection and enhancement of the physical and visual environment. Section 247 of New York State's General Municipal Law contains a definition of open space. It states that: *"open space" is any space or area characterized by (1) natural scenic beauty or, (2) whose existing openness, natural condition, or present state of use, if retained, would enhance the present or potential value of abutting or surrounding urban development, or would maintain or enhance the conservation of natural or scenic resources (including farmland)*. The law authorizes acquisition of open land in fee or by easement for public purposes.

Open space is land that is not or cannot (i.e. municipal parkland) be intensively developed for residential, commercial, industrial or institutional use. It serves many purposes, whether it is publicly or privately owned. It includes forests and agricultural land, undeveloped shorelines, undeveloped scenic lands, public and private parks and preserves. It also includes water bodies such as bays, lakes and streams. A community garden or small marsh can be open space, as can a narrow corridor or pathway for walking or bicycling, even if surrounded by developed areas.

The Importance of Open Space

Ever since Frederick Law Olmsted designed Central Park in New York City 150 years ago, Americans have realized the value and precious nature of open space and parks planned in advance of development. At the start of the 20th century, President Theodore Roosevelt called on Americans to save the best of our natural endowment for all time. President Roosevelt's vision helped create one of the greatest legacies of natural resource protection in this country, adding over 230 million acres to public ownership and management, including some of our greatest National Parks and Forests. His legacy is seen across the country today, in our parks, our forests, and our wildlife refuges.

In the past, many communities considered open space to be land that has not yet been developed. The legal and philosophical framework of our land use system assumed that land was a commodity to be consumed. Communities that did plan for open space focused almost exclusively on preserving land for parks, which were viewed as a community amenity. In recent years, there has been a shift in the way government officials think about open space and a growing awareness among local governments of the need to plan for open space.

Suffolk County's farmland, natural environments and historic/cultural resources are finite; they are exhaustible, fragile, and vulnerable and may not survive without care and attention. People have the power, through their elected representatives, to conserve these resources or to destroy them. Poorly designed and unplanned development can permanently mar or destroy unprotected open spaces. If people decide which areas should be retained as open space and which areas should be developed for more intensive use, then they can save what they value most in their communities while still accommodating desirable growth. How well the residents of Suffolk, through their governmental representatives, plan for and conserve open land while providing space for homes, commercial and industrial places and community and transportation facilities, will have a profound impact on future generations. Suffolk County is a vibrant, highly favored suburban area that has made a considerable effort to provide recreation and open space for its residents. Time is of the essence here in this County to deal with its last remaining open spaces.

People benefit socially, environmentally and economically from the conservation of open

space in their communities. In terms of social benefits, the quality of the lives of the people in each community in Suffolk County depends upon the quality and character of their environment. The open spaces in our communities are all part of the heritage of Suffolk County. Interesting and diverse recreation areas and scenic open spaces have a special ambiance and attractive qualities. The simple awareness that special places are set aside from development is a value that is difficult to measure in dollars. Public access to the unique and varied shores in Suffolk County is a public benefit, and access to parks and preserves can provide the opportunity for escape, relaxation, exercise, social interaction, or education for adults and children. These attributes help to define these communities and they lead residents to a strong identification with their neighborhoods.

There are obvious environmental benefits to open space preservation. Forests, lakes, rivers, stream corridors, wetlands, hills, coastal plains and seashores all provide habitat for a diversity of plant and animal species. They also serve a variety of human needs. In Suffolk County, undeveloped land also protects the quality of our underground drinking water supplies. Open space conservation often provides multiple benefits. Land conserved because it is important wildlife habitat often contains wetlands which aid in flood and storm water control and water filtration. Preservation of farm fields for agricultural activities may simultaneously preserve the scenic qualities of a rural road.

There are also economic benefits to open space preservation. Parks, beaches, scenic landscapes, historic sites, lakes, streams and coastal areas are central to Suffolk County's tourism and travel industry. Increasingly, businesses make decisions about where to develop or expand facilities based on the quality of life available to prospective employees. Communities that plan carefully for their future and conserve their important open spaces are better able to attract the businesses and jobs that improve the local economy and that create quality communities. The protection of open space through acquisition or clustered development can reduce the costs of utilities, transportation and public works construction and maintenance. And finally, preserved open space adjacent to residential areas improves property values and attracts homebuyers.

All types of communities benefit from the preservation of open space, even areas where it seems there is no threat to natural and cultural resources. Communities that are fully developed, communities on the urban/rural fringe, and communities in the most thinly populated portions of the County can benefit from open space preservation. Preserved open space protects environmentally significant habitats, rare and endangered species, and scenic vistas. But open space also provides recreational facilities to enhance the economic and social life of the community. It also can enhance downtown areas by providing shade and small sitting parks, and can form links between recreation areas through greenbelts and bicycle trails.

In terms of open space acquisitions, Suffolk County is at a crossroads. Most of the County's large major open space purchases have been made. In the future, parcels acquired by the County for open space purchases will likely tend to be smaller and therefore more numerous than in the past. More time, effort, and analysis will need to be made in the acquisition decision-making process. Twenty years from now, due to additional development, our ability to buy open space will be severely diminished. Therefore, right now is, in essence, our last chance to preserve some of the last available land in Suffolk County.

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OPEN SPACE PRESERVATION TECHNIQUES



Resource Protection Overlay District



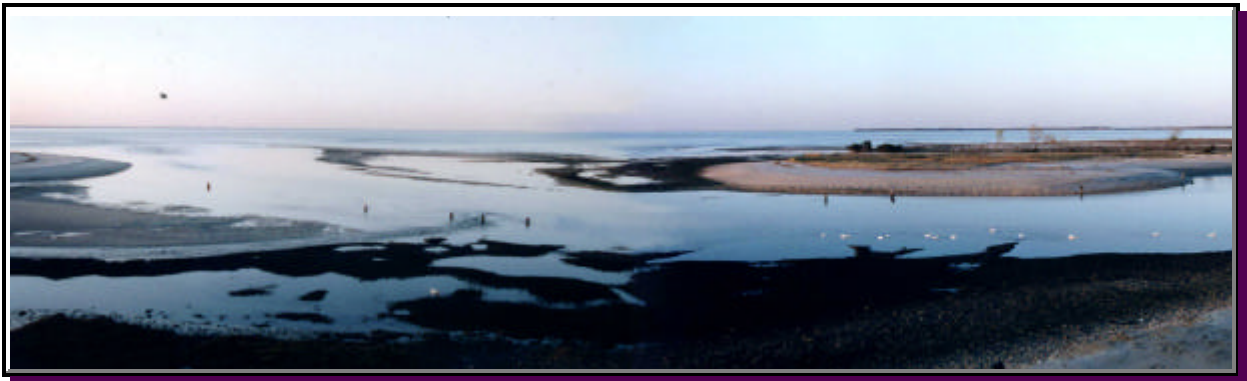
NYS Agricultural District



Conservation Subdivision



Fee Acquisition



Environmental Regulations

Many open space preservation techniques are used in Suffolk County to maximize the amount of land that will remain open.

Open Space Preservation Techniques

Resource Protection Overlay District - These headwaters of the Peconic River are protected from development because they are within the boundaries of the Peconic Estuary Program as well as the Central Pine Barrens. Suffolk County Department of Planning photo, Riverhead open space bordering Brookhaven & Riverhead Towns, Peconic Estuary Program, Fall 1994.

Conservation Subdivision - Calverton, Riverhead Town, 1996, Suffolk County Department of Planning photo.

Environmental Regulations - Development in the Nissequogue River corridor is regulated by the NYS Wild, Scenic, and Recreational River System Act. Carol Walsh photo, 10/98.

NYS Agricultural District - Reeves Ave. and Horton Ave. (bottom right corner) looking north east to the Long Island Sound, Riverhead Town, 1996, Suffolk County Department of Planning photo.

Fee Acquisition - The Vanderbilt Estate in Huntington Town, purchased through fee acquisition. http://www.Lessings.com/vander_photogallery.htm, downloaded 2/19/2004.

Open Space Preservation Techniques

The primary goal of Suffolk County's open space programs is to provide for the preservation of a sufficient amount of land to protect the health and environment of present and future residents through the protection of critical resources, to provide adequate parks and recreational facilities and to provide for a sustainable economy, especially as it relates to agriculture and tourism. The implementation of this goal is to be at a level appropriate to serve the needs of residents throughout Suffolk County and with an understanding that other levels of government (federal, state, town, village) also have significant roles at their respective levels.

Open space planning is a component of land use planning. Open space planning recognizes and addresses the needs of both nature and people, and it provides a mechanism to balance environmental and economic factors. Planning for open space also ensures that both green space and development are placed where most needed and most appropriate, and helps provide communities and developers with stability. Most every community in Suffolk County has special recreation resources, historic sites and important natural areas. Community planning is needed to create and maintain parks and preserves. Local land use regulations can guide the patterns of development on the land to avoid loss or damage to important natural and cultural resources. As available land becomes scarcer in Suffolk County, the competition for the remaining land for open space, affordable housing and other uses will become more intense. A balanced approach to open space acquisition is necessary.

There are several methods of open space preservation. Government purchase of property for land preservation is just one technique available to help preserve open space. Other advantageous and cost-effective methods are available. Local governments can conserve significant amounts of open space utilizing a number of land use planning techniques. There are unique situations for which a combination of techniques may need to be used. In Suffolk County, the more commonly utilized open space preservation techniques include:

- **Fee Acquisition** - Section 247 of the New York State General Municipal Law establishes open land preservation as a public purpose, authorizing local governments to expend public funds to acquire interests or rights in real property to preserve open space. A number of local governments including Suffolk County and especially the east end towns, have developed local sources of dedicated funds for local open space conservation. Preserving open space through government purchase allows a high degree of protection for the purchased land, but can be costly when land and management costs are included. Leveraging open space financing with partners, both public and private, can be beneficial in keeping land and management costs lower.
- **Zoning and Subdivision Regulations** - The location and control of development can be implemented by enacting specific zoning requirements and subdivision ordinances that provide for and/or protect large lots, open space, agriculture, floodplains and wetlands. These regulations can help to direct development to those locations that already have sewer, water, roads and other public infrastructure, avoiding costly and inefficient sprawl. Subdivision regulations can require developers to set aside a certain portion of their land for park or open space purposes or to contribute to a fund for the acquisition of open space. In Suffolk County, the local towns and villages have zoning and subdivision control. The Suffolk County Planning Commission makes recommendations to local municipalities in reviewing certain subdivision and zoning changes within its jurisdiction, however their decisions can be overridden by a majority plus one vote of the town or village board.

- **Clustering** - Subdivision regulations at the town or village level can include provisions which help preserve open space through cluster development. Clustering is based upon the lot yield of a traditional residential subdivision. The clustered parcel yields the same number of lots as a traditional subdivision but these lots are smaller and clustered together. The remainder of the parcel is dedicated as open space. Towns and villages in New York have the authority to enact ordinances or local laws that require cluster development. A planned unit development (PUD) is a technique similar to cluster development which allows development for residential and other uses on a single parcel with part of the parcel dedicated for open space.
- **Overlay Resource Protection Districts** - These districts can be enacted whereby the underlying zoning remains the same but resources that require special protection such as wetlands, floodplains and critical habitats are identified. Urban growth boundaries can be implemented which designate areas of intense development integrated with preservation areas. The Pine Barrens Plan is an example of a planning program that helps conserve open space.
- **Restrictive Covenants** - Developers of residential properties can voluntarily restrict the use of a portion of the property in order to provide an amenity such as dedicated open space through deed covenants, restrictions and easements. For example, the deed that a lot owner receives may also convey ownership in common with other lot owners to a common area. This easement usually provides that the common area may not be developed except for specified purposes relating to open space and recreation.
- **Conservation Easements** – An easement is an authorization from a property owner for the use of the property by a non-profit or municipality to conserve, preserve and protect environmental, historical, or cultural resources. Conservation easements impose restrictions on the land and can be used to conserve open space or to protect valuable environmental areas. Sections 49-0301 through 49-0311 of the New York State Environmental Conservation Law provide the authority for non-profits or municipalities to use such a tool. The donation of easements allows the community to receive the open space benefits without the cost of owning, managing, and maintaining the land. There are several tax benefits that accrue to the donor however, public access is usually restricted.
- **Transfer of Development Rights (TDR)** - In 1989, New York State legislation was enacted to authorize towns, and villages to establish transfer of development rights (TDR) programs. A transfer of development rights program can establish a clearinghouse market for development rights. TDR rules allow local municipalities to transfer density from environmentally sensitive land to property that can accommodate development. Transferring development rights allows all or part of the development density that is allowed by the zoning ordinance for a particular parcel of land to be transferred to other parcels which can support increased density, thereby retaining open space on the original parcel. The owner of the open space parcel may retain fee title interest and all other rights to the open space property or may transfer this property to a municipality. Once a development right has been sold, a development restriction is recorded on the deed, thereby creating a permanent conservation easement on the land.

A TDR procedure is available as part of the Suffolk County Department of Health Services Board of Review variance requirements. The sending property is screened by the Department of Planning to ascertain potential County interest (i.e. adjacent to other County properties, within the Pine Barrens Core Area, environmentally sensitive, etc.). Once the legislation has been approved, the property is then donated, the title is transferred to the County and jurisdiction

is placed in the Suffolk County Department of Parks, Recreation and Conservation. Its use is restricted to passive recreation.

- **Purchase of Development Rights (PDR)** - Purchase of Development Rights are voluntary, legal agreements that allow owners of land meeting certain criteria to sell the right to develop their property to a township, city, county, or state government, or to a nonprofit organization. A conservation easement is then placed on the land and the agreement is recorded on the title to limit the future use of the land to agriculture or other open space uses. The cost of purchasing development rights is lower than the cost of purchasing of the property. Suffolk County has a farmland PDR program as do the eastern Suffolk towns of Riverhead, Southold, East Hampton and Southampton.
- **Agricultural Districts** - The New York State Agricultural Districts Law provides protection for farmland and farm businesses through several measures, including the formation of agricultural districts. An agricultural district, established by county legislative action initiated by a petition from the owners of the land, is a loosely conglomerated area where property owners voluntarily agree to continue to farm their lands for an eight-year period in return for reduced tax assessment of the farmland during the period. Agricultural districts therefore temporarily protect farmland from development. Suffolk County contains an active agricultural district program.
- **Incentives to Landowners** - This method involves offering a landowner an incentive such as exemption from a building moratorium in exchange for donation of land in the proposed development for open space. A rural incentive district is an example. Incentive zoning provides for a trading arrangement between a developer and a community. In return for maximizing open space, a developer may be given a "bonus" such as permission to build at a higher density.
- **Environmental Regulations** - New York State protects open space through regulatory techniques. For example, Article 24 of the Environmental Conservation Law (ECL) contains land use regulations for freshwater wetlands and Article 25 of the ECL contains land use regulations for tidal wetlands. The New York State Wild, Scenic, and Recreational River System Act controls development in river corridors*. The State Environmental Quality Review Act (SEQRA) incorporates the consideration of environmental factors into the existing planning and review processes at the earliest possible time, ensuring that open space resources are considered when a proposed project is reviewed. Other local regulations restrict development in areas with steep slopes, wetlands and groundwater protection areas. These regulations provide a basic minimum standard for open space preservation.
- **Tax Lien Procedures** - Suffolk County obtains property through tax lien procedures for non-payment of real estate taxes, and the land may then be dedicated for open space. After a redemption period has expired (generally six months for vacant land), such a property is reviewed by the Suffolk County Department of Planning for its environmental characteristics and other planning criteria to determine if the County should retain these parcels for open space/parkland, or other municipal purposes. Transfer of these properties to County parkland is a no-cost method of preserving open space throughout the County.

* In Suffolk County the following river corridors are identified within this program: Nissequogue River, Carmans River, Connetquot River and Peconic River.

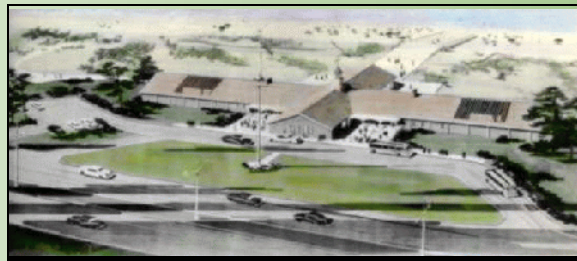
- **Gifts** - Owners of open space property may donate property to federal, state and local governments and non-profit conservation organizations. This method of open space preservation incurs little if any cost to the taxpayer and results in tax benefits to the landowner. A "bargain sale" involves the sale of land to a government entity or non-profit organization at below market value, resulting in charitable contribution tax benefits to the landowner.

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OVERVIEW OF SUFFOLK COUNTY'S OPEN SPACE ACQUISITION POLICIES

"The opening of the Bridge and Park at Smith Point mark the first step in a program that is planned to provide recreational facilities in every part of Suffolk County for the use of our people.

With working hours cut down, people find more leisure time at their disposal, and it is the duty and responsibility of the officials of Suffolk County to provide areas and means for clean, wholesome recreation. These facilities must be provided in every section of the County."



Proposed Smith Point bathhouse
Smith Point County Park. July 4, 1959

1959



Sans Souci Lakes County Preserve

ARTICLE I, Environmental Bill of Rights

§ C1-1. Statement of policy.

The policy of Suffolk County shall be to conserve and protect its natural resources, including its wetlands and shorelines, and the quality of its environmental and natural scenic beauty and to encourage the conservation of its agricultural lands..

1970

"Time and again, the residents of our County have told us both formally at the polls and informally in many settings how important open space, farms and drinking water protection are to their quality of life and that this quality of life is what sustains our economic and personal well-being."



**Robert
Cushman
Murphy
County
Park**

1998

Suffolk's acquisition policies have evolved over time from focusing on active recreation to assuring personal and economic quality of life.

Overview of Suffolk County's Open Space Acquisition Policies

1959 - Smith Point Bridge and County Park, County of Suffolk, July 4, 1959 [Suffolk County Board of Supervisors] quote from p. 4., artist's rendering, p. 7.

1970 - Quote from Laws of Suffolk County, Part I Charter, Article I - Environmental Bill of Rights, aerial photo San Soucci Lakes Preserve, Bayport/Sayville, CD21 12420212 ©2001 Aerial Photography New York State Office for Technology.

1998 - Quote from letter of transmittal, Suffolk County Open Space Plan, October 1998. Photo, Robert Cushman Murphy County Park, Riverhead, Suffolk County Department of Planning Photo, 6/23/2003.

Overview of Suffolk County's Open Space Acquisition Policies

Beginning in the 1960s, Suffolk County became active in acquiring properties for general park and conservation purposes. In the early park acquisitions, purchase through capital budget expenditures was the method of bringing private land into the County park system. A few parks were also acquired through condemnation procedures however, this procedure has not been used to acquire parkland for many years. The County's general acquisition policy was to buy tracts of land 100 acres or more in size for various recreational uses and environmental protection of natural habitats. Some of the earlier acquisitions provided significant acreage of waterfront along the Atlantic Ocean. The acquisition of lands along the major river corridors within Suffolk County was also a priority. Some of these early acquisitions included land adjacent to the Carman's River, the Nissequogue River, and the Peconic River. Active recreational uses such as golf courses also became an important part of the County open space system.

By 1963, Suffolk County's park system totaled 6,400 acres in 15 large park properties.⁵ The 1964 Suffolk County Planning Department report *Planning for Open Space in Suffolk County* was the first open space plan for the acquisition of open space at the County and local level in Suffolk County. The plan specified that a minimum of 12,000 acres should be acquired for open space and parkland based on a desired ratio of ten acres of open space per 1,000 population.⁶ In 1970 the Nassau-Suffolk Regional Planning Board (later named the Long Island Regional Planning Board) finalized its comprehensive plan for the region. This plan continued to reinforce the notion that open space must be acquired in anticipation of needs as development and population growth continue.

Provisions for establishing the Suffolk County Nature Preserve and Historic Trust were enacted in 1970 with the passage of the Environmental Bill of Rights, Article I of the Suffolk County Charter. It called for the dedication of park properties that are determined to have either unique and sensitive natural values or distinctive historical significance. Sites within the County park system that exhibited unique features were dedicated to the Nature Preserve Program, such as Cathedral Pines in Middle Island, and historic acquisitions expanded the County's variety of open space sites.

Suffolk County was one of the earliest counties in the country to recognize that the preservation of agricultural land would not be possible without some public investment. The County wanted to preserve properties for agricultural use because of the quality of agricultural soils and because these lands were and continue to be important, especially to the economy of eastern Suffolk. In 1960 the Suffolk County Planning Commission first recommended the preservation of 30,000 acres of agricultural lands. This recommendation was repeated in subsequent years, including the 1970 regional comprehensive plan, and in 1974 Suffolk's farmland acquisition program was initiated. This program is now the oldest Purchase of Development Rights Program for farmland in the United States. The County's farmland development rights program goal was to preserve a sufficient amount of Suffolk farm acreage to ensure the vitality of the agricultural industry. This County program is still in effect today, and some of the funding for the program comes from the federal government and New York State.

In the 1970s, significant research was underway concerning Suffolk's drinking water quality, surface water quality, and the proper management of its coastal resources. In 1978, the *Long*

⁵Suffolk County Department of Planning, 1964, *Planning For Open Space in Suffolk County* (Hauppauge, NY), p. 67.

⁶Suffolk County Department of Planning, 1964, *Planning For Open Space in Suffolk County* (Hauppauge, NY), p. 108.

Island Comprehensive Waste Treatment Management Plan (208) studied groundwater and surface water issues. In response to concern for protecting future water supply, hydrogeologic zones were established as part of the 208 Study. These zones were based upon differences in groundwater flow patterns. The hydrogeologic zones formed the framework for recommendations on land use and waste disposal and have subsequently been incorporated by various governmental agencies into groundwater management regulations, including land preservation.

In 1980, a comprehensive open space program for Suffolk County was presented in the report *Open Space Policy* produced by the Suffolk County Planning Department. The land areas proposed for acquisition included sites of important natural environments and groundwater resources. The *Open Space Policy* report stated that a parcel of land would be considered for acquisition if it possessed one or more of the following characteristics: 1) *uses for both passive and/or active recreation activities*; 2) *a unique environmental resource for the region*; 3) *a prime aquifer recharge area*; 4) *a site of scenic or archeological importance*; or 5) *a site for the protection of prime wildlife habitats*. A tool known as the Land Use Capability System was used for the identification of a range of environmentally acceptable uses in advance of public and private decisions as to the best use of a particular site. The system recognized the ability of the environment to tolerate development that results from the differences in physical and biological processes that characterize various environmental resources. The report also itemized "geographic areas of particular concern," which were specific geographic areas where natural features, environmental processes or existing or potential economic and recreational opportunities merit further protection, preservation, or enhancement.⁷

The *Open Space Policy* report also recommended that the County actively pursue obtaining the "right of first refusal" on selected privately owned golf courses and camps in Suffolk County, should they become available for purchase. It was thought that the expense of acquiring these properties for County use would be considerably less than that required to acquire vacant parcels and develop them for active parkland.

In the 1986 report titled *Special Ground-Water Protection Area Project*, the Long Island Regional Planning Board (LIRPB) developed the concept of Special Groundwater Protection Areas (SGPAs). An outgrowth of the concept of the hydrogeologic zones in the 208 Study was the creation of the Special Groundwater Protection Areas (SGPAs). Such areas were defined as significant, largely undeveloped or sparsely developed geographic areas of Long Island that recharge portions of the deep flow aquifer system. A key area that was discussed in the report was the Central Suffolk SGPA, part of Hydrogeologic Zone III, in the sparsely developed Long Island Pine Barrens in central and eastern Suffolk County. The LIRPB's 1992 report titled *The Long Island Comprehensive Special Groundwater Protection Area Plan* went a step further and created a management plan for all of the SGPAs on Long Island and set the stage for open space preservation activities in these areas. It recommended the acquisition of 37,000 acres of land in Suffolk County's SGPAs for preservation to protect groundwater resources.

Negotiated land purchases with willing sellers have been the major method for Suffolk County's acquisition since the 1980s. However, starting in 1985, the Suffolk County Planning Department also began evaluating properties it obtains through non-payment of taxes, for possible retention as open space. This policy provided an avenue for many environmentally sensitive properties to be added to the County's open space inventory without any financial outlay.

⁷Suffolk County Department of Planning, 1980, *Open Space Policy* (Hauppauge, NY), p. 3.

In 1986, a major open space preservation program was initiated in Suffolk County. The first appropriation to the Open Space Preservation Program was \$60 million in general obligation bonds and authorized the acquisition of more than 4,800 acres throughout the County. The magnitude of this appropriation was significant as it represented a substantial commitment by the County to open space preservation. Following the 1986 voter approval of the New York State Environmental Quality Bond Act, the Suffolk County Planning Department produced a report titled *Proposed Acquisition of Lands* which outlined specific recommendations for acquisition with funding from this New York State program. The recommended parcels for acquisition totaled more than 12,000 acres. Most of the proposed acquisitions were areas greater than 100 acres in size.

Following the passage of the Suffolk County Drinking Water Protection Program in 1987, the Suffolk County Department of Planning outlined priority areas for preservation under this program in its *Comprehensive Acquisition Plan*, primarily within the SGPAs. This program authorized the collection of $\frac{1}{4}$ of 1% of the sales tax to fund open space acquisitions and has been the largest Suffolk County open space preservation program to date. The landmark 1995 Central Pine Barrens Comprehensive Land Use Plan was a cooperative effort of New York State, Suffolk County, and the Towns of Brookhaven, Riverhead, and Southampton. To reduce future development inside the Pine Barrens, the Plan emphasized fee simple government acquisition of land by New York State and Suffolk County in the 102,000 acre Pine Barrens of central and eastern Suffolk County. The County's main source of funding to acquire lands in this area came from the 1987 Drinking Water Protection Program. Based on the recommendations of the Plan, the focus of acquisitions in the Pine Barrens became the Core Preservation area (the central most undeveloped portion) and to date, a large percentage of the 55,000-acre Core Preservation area has been protected.

Through the years, other levels of government have acted on their own, or more recently, as partners with Suffolk County in the protection of open space. Stewardship of open space in partnership with other government and non-profit entities helps reduce land acquisition and management costs. Land trusts and other private, non-profit conservation, recreation and preservation organizations have also played an important role in open space conservation. Private conservation organizations such as the Peconic Land Trust and The Nature Conservancy have been involved in open space preservation on Long Island. Starting in the 1990s, partnerships became more common between Suffolk County and other public and non-profit agencies in acquiring open space. In 1997, the County's Land Preservation Partnership Program was initiated, by which Suffolk County matches funding on a 50/50 basis with local towns and villages in preserving open space. In 1998 the County's Community Greenways Fund was established, with specific recommendations on partnerships with a local town, village or community group in managing active recreation open space acquired by the County under the program. The Community Greenways Fund also contained a provision for cost sharing of farmland development rights acquisitions between the County and other levels of government with a 70% county/ 30% local match.

In 1998, an extension of Suffolk County's Drinking Water Protection Program was approved. This extension reflected the County's continuing commitment to open space preservation, and included provisions for acquiring lands in all areas of the County in addition to the Pine Barrens and the SGPAs, including wetlands, watersheds, and lands identified in several regional estuary programs. The Peconic Estuary Program (PEP) led to the creation of the PEP Comprehensive Conservation and Management Plan prepared by the Suffolk County Department of Health Services and approved by the U. S. Environmental Protection Agency and New York State. This study included recommendations to accelerate land protection. The Long Island Sound Study's newly created Long Island Sound Study Stewardship System identifies exemplary public and private open space sites. The goals of the South Shore Estuary Reserve Comprehensive Management Plan

DRAFT Open Space Acquisition Policy Plan

(which covers the South Shore area from the Queens/Nassau line east to Shinnecock Bay) include the protection of open space and enhancement of public access to the estuary. This management plan was produced through the New York State Department of State.

In 2002, Suffolk County provided funds for acquisition of lands under the new Multifaceted Land Preservation Program. This program incorporated several previous open space programs under one source of funding.

In recent years, the County has acquired many parcels smaller in size than the previous 100+ acre standard. Not only are there fewer large parcels remaining to acquire, but smaller parcels, especially those that are of great importance to ecosystem protection, connect protected open space areas and fill in gaps in the open space network thereby creating larger, contiguous areas of open space. Of continued importance are the acquisition of parcels located in areas such as stream corridors, wetlands, and the Pine Barrens Core area as well as properties that are adjacent to other County-owned open space, that are environmentally significant, regardless of size.

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SUFFOLK COUNTY'S OPEN SPACE PROGRAMS



Farmland Development Rights Program



Multifaceted Land Preservation Program
(for parkland purposes/historic preservation)



**1/4% Drinking Water
Protection Program**



Community Greenways Fund
(Active Parklands Component)

Suffolk County has acquired open space through many programs over the years.

Suffolk County's Open Space Programs

Farmland Development Rights Program -Riverhead Town, 1996, Suffolk County Department of Planning photo.

1/4% Drinking Water Protection Program -Dwarf pine trees along Sunrise Highway near Westhampton, http://www.pinebarrens.org/slide_show/index.php?findtitle=Fall+Scenic downloaded 3/05/2004.

Multifaceted Land Preservation Program for parkland purposed/historic preservation.
Sagtikos Manor, West Bay Shore
http://www.fflii.org/preserves/museums_and_preserves.cfm, downloaded 2/2/2004.

Community Greenways Fund Active Farmlands Component - Oak Beach Park, Babylon Town. Suffolk County Department of Planning photo, 3/7/2004.

Suffolk County's Open Space Programs

Over the last 50 years, Suffolk County government - its legislature and county executive and various departments - has served the County's residents well in preserving open space. The County has also worked with partners in successfully preserving open space. For years, Suffolk County has committed funds in its annual capital budget to acquire open space and parkland. Aside from past purchases of predominantly large parcels (greater than 100 acres) through specific capital budget appropriations, there have been several programs under which Suffolk County has acquired open space over the years.

Between 1977 and 2003, approximately 27,000 acres of open space have been preserved by Suffolk County through its open space programs. Table 1 displays each of Suffolk County's major land acquisition programs, its date of inception, number of acres acquired and dollars spent for acquisitions through the end of 2003.

The *Farmland Preservation Program* is the County's oldest preservation program. It involves the purchase of development rights from landowners with the owner retaining all other ownership rights to the property, specifically the right to use the property for agricultural purposes. The farmland preservation program has preserved 7,545 acres.

Suffolk County's *Open Space Preservation Program*, funded through general obligation bonds, started in 1986 and has preserved 4,633 acres, generally as passive open space. A total of \$75 million dollars has been spent through this program. Suffolk County's *Drinking Water Protection Program* began acquiring property in 1988 after a countywide public referendum allowing the collection of an additional ¼% sales tax to fund the program. By approval of Suffolk County's voters, the program was modified to allow bonding against the future revenues of the fund to accelerate acquisitions. This program has preserved 13,304 acres through the spending of \$199 million, the largest acreage and spending of any program.

In the late 1980s, a new program was created called the *Land Exchange Program*. It provided a process to acquire environmentally sensitive properties from private owners in exchange for County-owned surplus land. The program has since acquired a handful of sites, primarily in the Mastic/Shirley wetland area along Narrow Bay. Acquisitions under the \$3 million settlement to fund the *South Setauket Woods Conservation Area Program* began in 1997 and totaled 50 acres by 2003. The *Land Preservation Partnership Program* for the acquisition of environmentally sensitive land in partnership with a town or village began acquiring land in 1998 and 560 acres have been acquired for more than \$14 million. In 1998, Suffolk County residents voted to approve a \$62 million Community Greenways Bond Act. The *Community Greenways Fund* program began purchasing farmland development rights, open space, and active parklands in 2000, totaling 686 acres and \$43 million through 2003.

In 1999, Suffolk County voters approved an extension of the 1987 Drinking Water Protection Program for a 13-year period through 2013, funded by a continuation of the ¼% increase in the sales tax. This *New Drinking Water Protection Program* began acquiring farmland development rights and open space land in 2001. Through 2003, 85 acres have been purchased for \$5.8 million. The County has leveraged this dedicated fund for \$62 million through a low-cost financing arrangement, similar to bonding, provided by the New York State Environmental Facilities Corporation.

The newest program, the *Multifaceted Land Preservation Program*, was instituted in 2002 using capital funds and has acquired 70 acres with \$9.6 million. Table 1 displays each of Suffolk

DRAFT Open Space Acquisition Policy Plan

County's land acquisition programs, its date of inception, number of acres acquired and dollars spent for acquisitions through the end of 2003.

Table 1. Funds Spent and Acreage Acquired Under Suffolk County's Major Open Space Acquisition Programs.

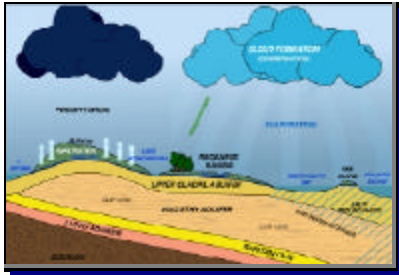
Program	Year of First Purchase	Acres Acquired Through 2003	County Funds Spent Through 2003 (in \$ Millions)
Farmland Development Rights	1977	7,545	46.8
Open Space Preservation	1986	4,633	75.7
Drinking Water Protection (¼%)	1988	13,304	199.5
South Setauket Woods Conservation Area	1997	50	2.4
Land Preservation Partnership	1998	560	14.7
Community Greenways Fund	2000	686	43.6
New Drinking Water Protection (New ¼%)	2001	85	5.8
Multifaceted Land Preservation Program	2002	70	9.6
TOTAL		26,933	398.1

Source: Suffolk County Department of Planning

For the next several years, the County's most active open space programs will be the New Drinking Water Protection Program and the Multifaceted Land Preservation Program. The other older acquisition programs have a declining funding stream. The New Drinking Water Program includes funding for open space and the purchase of farmland development rights. The Multifaceted Land Preservation Program has incorporated four former programs (Land Preservation Partnership, Open Space Preservation, Farmland Development Rights, and the active parklands component of the Community Greenways Fund) into its program criteria and has in essence provided a mechanism by which these programs are being continued.

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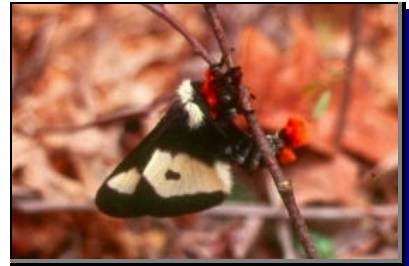
SUFFOLK COUNTY'S 21ST CENTURY OPEN SPACE GOALS



Groundwater



Coastal Resources



Habitats



Wetlands



Farmland



Passive Recreation



Downtown Open Space



Active Recreation



Cultural & Historic Resources

The overall goal of open space preservation is to preserve the fundamental well being of Suffolk County, its residents and its environment.

Suffolk County's 21st Century Open Space Goals

Groundwater - "An interactive look at the Water Cycle", Suffolk County Water Authority, <http://www.scwa.com/#> , downloaded 01/27/04.

Wetlands - Broad Cove Wetlands, Riverhead Town, Suffolk County Department of Planning photo, 8/2/2001.

Downtown Open Space - Lindenhurst Village downtown park. Suffolk County Department of Planning photo, 12/18/2002.

Coastal Resources - Shinnecock Inlet County Parks East & West, Southampton Town. http://www.dos.state.ny.us/cstl/final_draft_html/tech_report_html/embayment_uses/embay_use_steadman/Photo29.jpg, downloaded 2/23/2004.

Farmland - Southampton Town, 1996, Suffolk County Department of Planning photo.

Active Recreation - Hauppauge ballfields, Islip Town. Suffolk County Department of Planning photo, 6/23/2003.

Habitats - Barrens Buckmoth, a NYS species of special concern, unique within the Pine Barrens. http://www.hoganphoto.com/Buck_Moth.jpg, downloaded 2/23/2004.

Passive Recreation - Cross country skiers at Wertheim National Wildlife Refuge <http://images.fws.gov/default.cfm?fuseaction=records.display&CFID=4074896&CFTOKEN=68367851&id=6C4E3AFC-99CE-4297-99FE0FDCFB582C0B>, downloaded 2/19/2004.

Cultural & Historic Resources - Deepwells Farm, Smithtown Town, http://www.fflh.org/preserves/museums_and_preserves.cfm#Deepwells, downloaded 2/2/2004.

Suffolk County's 21st Century Open Space Goals

The overall goal of open space preservation is to preserve the fundamental well being of Suffolk County - its residents and its environment. Suffolk County is located on an island, our land is finite, and our population density is relatively high, so our opportunities for future open space acquisitions are going to become more scarce. But we also want to retain jobs, maintain our economy and provide housing for our workforce. It is important that County open space acquisitions be performed in conjunction with rather than in place of other important efforts such as a community's need for housing and a solid economic base.

Smart growth development involves reallocating future development and redevelopment away from less developed areas, where open spaces are to be protected, and toward existing more populated centers. Smart growth development is economically sound, environmentally friendly, supportive of community livability, and enhances our quality of life. Urban sprawl and the inefficient use of land and resources require communities to provide services across a larger geographic area, stretching municipal services. The acquisition of open space helps to counter sprawl and the consumption and fragmentation of open land.

Over the years, the open space needs of the County have changed and increased. It is worthwhile therefore to itemize the goals of Suffolk County's open space program today and for the foreseeable future. Suffolk County's open space goals can be divided into three main categories: *natural resource protection*, *farmland preservation*, and *recreational uses*.

Natural Resource Protection:

- Preservation of **groundwater** - All of the drinking water on Long Island comes from underground aquifers. Preserving recharge zones is vitally important in retaining safe drinking water resources. Aquifer protection involves protecting the land in recharge areas where water permeates through the soil to the underlying strata of sands and gravel where the aquifer is replenished. Increases in development and human activities in aquifer recharge areas, which increase contaminant loads, can degrade the water quality of the groundwater aquifers below. Undeveloped portions of the deep recharge area containing vegetative land cover provide the greatest natural filtration of pollutants, and therefore provide the greatest protection for maintaining excellent groundwater quality.
- Preservation of **coastal resources** - Because of Long Island's geography and geology, its coastal resources are unique. Suffolk County has 986 miles of shoreline. Bluffs along the water's edge, beaches, dunes, and river, lake and stream shorelines are worthy of preservation and are also significant plant and wildlife habitats. Preservation of these natural coastal resources protects inland areas from erosion forces and flooding during severe storm events such as hurricanes and nor'easters.
- Preservation of **wetlands** - Suffolk County harbors a great diversity of wetlands. Its wetlands include both freshwater and tidal wetlands, including such habitats as swamps, bogs, streams, lakes and ponds and their adjacent banks, kettleholes, and tidal marshes. Wetlands help control floods, trap sediments, filter out water pollutants and support a variety of wildlife and plant species. The water quality of wetlands can be degraded by changes in land use and development nearby. To protect wetlands fully, the existing hydrology (the way water moves through the system) must also be protected. For these reasons, upland buffer areas surrounding wetlands are also important to wetland preservation. Former wetland areas that are undeveloped should also be acquired for wetland/watershed restoration. Conservation

efforts including state and local wetland regulations as well as public acquisition are critical in attaining the most protection of these sensitive environmental areas.

- Preservation of **watersheds and stream corridors** - A watershed is the land area that drains to a river, stream, lake, or estuary. Suffolk County's estuaries are the Long Island Sound, Peconic and Gardiners Bays, and the South Shore Estuary System (including Great South Bay, Moriches Bay, and Shinnecock Bay). It is important to preserve lands within watersheds and adjacent to stream corridors. A watershed's topography and its ability to control storm water can be changed dramatically due to various forms of development such as site clearance, re-grading of land, and construction of housing and roads. Watersheds are the conduits for storm water attenuation and should be given special environmental consideration.
- Preservation of **plant and animal habitats**, especially endangered, threatened or species of special concern and unique or rare vegetation. Protected open space lands that are large and contiguous help to maintain existing natural habitats and protect the diversity of existing ecological communities. Poorly planned development fragments natural habitats. Fragmentation causes natural habitat areas to become too small to support the complex interactions of organisms required to maintain a healthy, biodiverse ecosystem. Although Suffolk County is a mostly suburban area, it still contains certain important and rare habitats that deserve attention for their ecological and educational value. There are state and federal laws and programs that protect endangered and threatened species, so, protecting their habitats cannot be understated.
- Preservation of **scenic vistas and open areas** and traditional undeveloped areas. Open space in rural and semi-rural areas helps to preserve a rural way of life. Scenic vistas from high elevations and scenic roadways are also important to preserve. Protecting special views of the County's waterways is important to our unique maritime environment. Even in more developed areas, open areas, trees and forests enhance a community's quality of life. In a highly developed community, an area only a few acres in size with relatively mature trees, for example, can be significant open space. The trees in a developed area act as buffers between development, have aesthetic value, can provide shade and cooling, aid groundwater absorption, and filter pollutants. A scenic community entranceway may symbolize the character of the community and attract people to spend time there.

Farmland Preservation:

- Farmland Preservation - Farming represents a pre-existing historic and viable industry in Suffolk County. It simultaneously helps to contribute to a vibrant tourist industry and provides open areas, rural and scenic vistas, and habitats, especially in wooded portions of farmland. In addition, farms generate more tax revenue than the dollar amount of public services they require.

Recreational Uses:

- **Passive Recreation** - Trails and greenbelts can provide substantial human benefits and should be part of any integrated system of open space. Easements, cooperative agreements, or acquisition of key, connecting parcels of land are some of the methods that can be used to create access to trails and public lands. These lands are very useful for public benefits including walking or hiking and nature study. Passive recreational uses do not disturb the natural environment and provide access to the various habitats of a site.

- **Active recreation** - Active recreation includes activities such as camping, swimming, golfing, playgrounds and ball fields. The demand for various active recreational uses changes with demographic changes and changing recreational needs. For the County's purposes, the goal is to provide recreational opportunities that are not generally available in the smaller local parks or the larger state and federal parks. It is important to note that the use of a site for active recreation should not conflict with environmentally sensitive conditions on or near the site.
- Preservation of **cultural and historic resources** - Suffolk County has a rich historical and cultural heritage that should be enhanced and protected. Historic properties have tangible links with the past that help provide a sense of identity and stability for a community. Historic, cultural, and archeological resources include a great variety of property types such as a museum, historic site/building, etc. These areas are important for preservation for their own sake, as well as for recreational, educational and research value.
- **Access to shoreline** - Communities are more pleasant places to live when their residents can have direct access to scenic waterbodies. Easements, cooperative agreements, or acquisition of key parcels of waterfront land are some of the methods that can be used to create public access to the shoreline where such access is limited or non-existent.
- **Downtown open space** - A park in a hamlet center can provide an area for walking, social interaction, or just relaxing. While open space acquisitions in downtown areas are generally a local town or village concern, some County open space acquisitions may be appropriate for improving the aesthetics and vitality of downtown areas. Such open space can also create a place for public gatherings, such as an outdoor concert area in a downtown location, which can reinforce a sense of place.

Each of the goals described above is important and therefore it is difficult to choose one over another. Even within each goal, there are various facets and degrees of importance and need. Even after sites are evaluated by an objective process, often a subjective decision must be made about whether the County should acquire a parcel, since government is constrained by the cost of acquiring open space. The goal of this policy plan is to provide an objective approach to acquiring land, realizing that each opportunity for open space preservation is unique, with unique costs, a unique location and a unique history, and these features may not be directly comparable to one another. Fortunately, the County has created a variety of programs that can be utilized to meet the County's divergent open space needs, and we must use the funds available to our best advantage in order to effectively fulfill our open space goals.

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POLICY DISCUSSION FOR THE NEW DRINKING WATER PROTECTION PROGRAM AND THE MULTIFACETED LAND PRESERVATION PROGRAM



Resource and Environmental Protection



Active Parklands

There is a need for specific property rating systems to be used for the New Drinking Water Protection Program and the Multifaceted Land Preservation Program.

Policy Discussion for the New Drinking Water Protection Program and the Multifaceted Land Preservation Program

Resource and Environmental Protection - Looking east on Narrow Bay and the Long Island Intracoastal Waterway Channel toward Moriches Bay; Smith Point bridge in foreground.
http://www.dos.state.ny.us/csti/final_draft_html/tech_report_html/embayment_uses/embayment_use_steadman/Photo23.jpg, downloaded 2/23/2004.

Active Parklands - Gardiner County Park, Islip Town, Suffolk County Department of Planning photo 3/7/2004.

Policy Discussion for the New Drinking Water Protection Program and the Multifaceted Land Preservation Program

Two County land acquisition programs deserve close attention: the New Drinking Water Protection Program and the Multifaceted Land Preservation Program. These programs presently have the most funding available and will be the most important open space acquisition programs moving into the next decade. The other programs are reaching their final stages and their funding has been exhausted or is nearly exhausted. The following discussion describes in detail the criteria that were outlined in the legislation for each of these two programs.

New Drinking Water Protection Program

The goal of the New Drinking Water Protection Program (more aptly termed the New Quarter Percent Program, since its aim is broader than just drinking water protection) is the environmental protection of open space and farmland through County land acquisition. The legislation for this program allocates funds for the acquisition of open space land and stipulates that a proposed acquisition being considered for this program must meet at least one of five criteria. The criteria are very broad, and in fact, could encompass much of the land in Suffolk County. A listing of the five criteria is provided below:

- 1) *Freshwater/tidal wetlands and buffer lands for same* - In the early 20th century, wetlands were often thought of as unsightly harbingers of disease that should be eliminated if possible. This perception changed in the late 1960s and into the 1970s. We now realize that all wetlands are important for preservation, as described in the goals section of this report.
- 2) *Lands within the watershed of a coastal stream, as determined by a reasonable planning or hydrological study* - A watershed is the land area that drains to a river, stream, lake, or estuary. Suffolk County's estuaries are the Long Island Sound, Peconic and Gardiners Bays, and the South Shore Estuary System (including Great South Bay, Moriches Bay, and Shinnecock Bay). The watershed category covers a extensive area through Suffolk County. Suffolk County should purchase watershed land with priority given to parcels that have qualities described in the natural resources portion of the goals section of this report.
- 3) *Any tract of land located fully or partially within a statutorily designated Special Groundwater Protection Area* - The Long Island Comprehensive Special Groundwater Protection Area Plan provides a detailed land use plan. It identified specific locations within each SGPA that should be preserved either through means such as fee simple acquisition, clustering, transfer of development rights, and purchase of development rights. In choosing a parcel to be acquired, refer to the recommendations for each SGPA in the report. Priority should be given to those parcels that have been targeted for acquisition.
- 4) *Lands determined by the County Department of Planning to be necessary for maintaining the quality of surface and/or groundwater in Suffolk County* - This category is very open-ended, and is somewhat redundant of previous categories. Parcels identified in a Suffolk County Department of Planning report and recommended for acquisition, or parcels that are located in an area that has been evaluated by the Department and that were determined to be important for protecting surface waters and/or groundwater will be recommended for acquisition.

- 5) *Lands identified by the South Shore Estuary Reserve (SSER), Peconic Estuary Program (PEP), and/or Long Island Sound Comprehensive Conservation and Management Plan (LISCMP) as needed to protect coastal water resources* - The PEP program is developing a list of parcels targeted for acquisition. The Long Island Sound Study Stewardship System is in the process of assessing and identifying exemplary public and private open space sites. The South Shore Estuary Reserve does not have a specific list of targeted parcels, but offers general types of areas of interest. Priority should be given to those properties given the highest ranking by these programs.

The process of acquisition of farmland development rights under the New Drinking Water Protection Program shall adhere to the requirements of the County's Farmland Development Rights Program as defined in Chapter 8 of the Suffolk County Code.

Multifaceted Land Preservation Program

The Multifaceted Land Preservation Program has incorporated four former programs (Land Preservation Partnership, Open Space Preservation, Farmland Development Rights, and the active parklands component of the Community Greenways Fund) into its program criteria and has in essence provided a mechanism by which these programs are being continued. In addition, four generic open space categories were also included as criteria. In 2003, funding for affordable housing was added to this program. This component has its own separate policy issues and is not the focus of this report.

The Multifaceted Land Preservation Program, funded through Suffolk County's 2002-2004 Capital Program, provides for the acquisition of open space that meets at least one of eight criteria. A listing of the eight is provided below, along with a brief description of the existing program or generic category and an explanation of the criteria associated with that program or category, if applicable:

- 1) The *Land Preservation Partnership Program*, which in 1998 began acquiring environmentally sensitive land in a 50/50 partnership with a town or village. General obligation bonds have funded this program.
- 2) The *Open Space (Preservation) Program*, which was the County's first major open space program, initiated in 1986 to preserve the County's water supply, wetlands, and woodlands.
- 3) The *Farmland Development Rights Program*, the County's oldest preservation program, which involves the County purchasing the development rights from landowners. The owner retains all other ownership rights to the property, specifically the right to use the property for agricultural purposes.
- 4) Parkland purposes, though not as specific as the Open Space Preservation Program or the Drinking Water Protection Program, this category includes lands for both active and passive parkland, and historic/cultural sites.
- 5) *Environmentally sensitive land acquisition*, though not as specific as the Open Space Preservation Program or the Drinking Water Protection Program, this is a general category that includes lands with unique geologic features, wetlands, surface waters, endangered or threatened species and their habitats.

- 6) *Watershed and/or estuary protection*, though not as specific as the Open Space Preservation Program or the Drinking Water Protection Program, this category involves the acquisition of land that drains to a river, stream, lake, or estuary. It is important to attempt to preserve lands within a watershed or that drain into an estuary to protect environmental characteristics inherent in these systems.
- 7) *Drinking water protection purposes*, although not described as the Drinking Water Protection Program, lands proposed to be acquired under this category would be located within the Pine Barrens Zone or in a Special Groundwater Protection Area (SGPA). Priority should be given to those lands located within the Pine Barrens Core Area.
- 8) *Active Parklands Stage II Acquisition Program*, part of the Community Greenways Fund program approved by public referendum in 1998, where Suffolk County buys land and a town, village and/or a community group is required to design, build, and maintain the property for an agreed upon active recreational (non-golf course) use.

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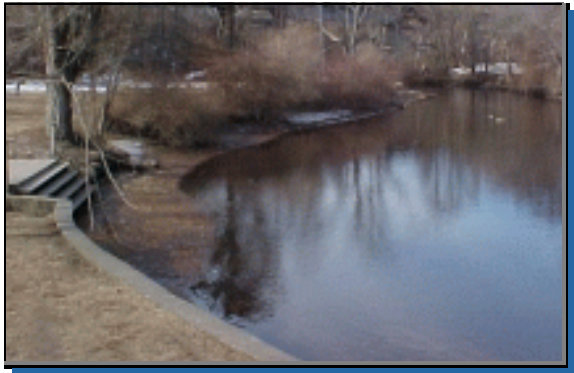
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RECOMMENDED

OPEN SPACE ACQUISITION POLICY



North



West



East



South

An open space policy for all of Suffolk County.

Recommended Open Space Acquisition Policy

North - View of developed former sand mine in foreground, Northport Bay, Ashroken tombolo, and Eatons Neck in background. QTVR panorama of Stop #3, Steers Pit overlook, Northport.
http://people.hofstra.edu/faculty/J_B_Bennington/field_trips/caumsett_02/caumsett_field_trip.html. Downloaded 2/24/2004.

West - Nissequogue River, Smithtown Town, Paul Given County Park. Suffolk County Department of Planning photo, 2/27/2004.

South - Looking east on Narrow Bay and the Long Island Intracoastal Waterway Channel toward Moriches Bay; Smith Point bridge in foreground.
http://www.dos.state.ny.us/cstl/final_draft_html/tech_report_hm/embayment_uses/embayuse_steadman/Photo23.jpg. Downloaded 2/23/2004

East - Eastern Part of Shinnecock Bay; Shinnecock Canal in left foreground, Central Pine Barrens in background
http://www.dos.state.ny.us/cstl/final_draft_html/tech_report_hm/embayment_uses/embayuse_steadman/Photo27.jpg. Downloaded 2/23/2004.

Recommended Open Space Acquisition Policy

In this report, the various Suffolk County open space acquisition programs have been discussed, their intentions have been considered, and the open space acquisition goals of the County have been presented. The County's main open space goals have been, and continue to be, to preserve farmland and to acquire land that has important natural resources or that can be used for active recreation. Suffolk County is very diverse in its development patterns. Western Suffolk is mostly suburbanized and the East End is semi-rural, and there are also differences among hamlets even within the County's subregions. The following list of directives form the foundation of the County's open space acquisition policy, for all areas of the County, for the present and the future. These recommendations outline the basic guiding principles for Suffolk County's open space acquisitions.

Recommendation 1: Open space acquisitions should protect natural resources, preserve farmland, and/or provide for active recreational uses.

The County's primary open space goals are the protection of natural environments, farmland preservation, and the provision of active recreational uses or historic/cultural resources. All Suffolk County open space acquisitions should promote at least one of these goals. County acquisitions for natural resource protection should primarily seek to protect *systems*, whether they are biological, hydrological, coastal or otherwise.

Recommendation 2: Evaluate proposed open space acquisitions with a criteria-based review that rates the environmental and physical characteristics of each property proposed for acquisition.

Each of the County's open space programs requires that a proposed acquisition site meet certain criteria. The first step in reviewing a proposed acquisition is to ascertain whether the property meets the criteria of the program from which the acquisition will be funded. This step will be performed on a checklist. After passing initial program screening, the property can then be evaluated on one or more rating forms, depending on the type of open space for which the property is best suited.

The parcels that are suggested for acquisition should be reviewed and critiqued through a standardized process, a rating system. To this end, three new rating forms have been designed. The three rating forms correspond to the open space goals of *natural resource protection*, *farmland preservation*, and *active recreational uses, historic and/or cultural resources*. These three rating systems are intended to comprehensively evaluate proposed acquisitions early in the process.

The rating system for **natural environments** is designed to clarify the recommendation and acquisition process through a detailed and comprehensive evaluation. Lands could qualify for acquisition with funds from the New Drinking Water Protection Program, the Multifaceted Land Preservation Program, or any of the other open space programs that are designed for the protection of natural environments. The rating system is divided into three sections: natural resource characteristics, physical characteristics, and possible stewardship partnerships. The highest overall score that can be earned is 100 points, with a minimum guide line of 25 points for the property to even be considered. Appendix I contains the rating sheet for natural resource protection along with its corresponding cover sheet containing a checklist of criteria ensuring compliance with various County open space programs.

The rating system for **farmland** is designed to clarify the recommendation process through a detailed evaluation. The rating system includes evaluation of contiguity, vistas, soils, and

development rights value. Appendix II contains the rating sheet for potential farmland development rights purchases.

The rating system for **active recreation, historic and/or cultural park uses** is designed to clarify the recommendation and acquisition process through a detailed and comprehensive evaluation. Lands could qualify for acquisition with funds from the Community Greenways Fund or the Multifaceted Land Preservation Program. The rating system is divided into two sections: recreational characteristics and physical characteristics. The highest overall score that can be earned is 100 points, with a minimum guideline of 25 points for the property to be considered. The appendix contains the rating sheet for active recreational, historic and/or cultural resources uses, along with its corresponding cover sheet containing a checklist of criteria ensuring compliance with various County open space programs.

Recommendation 3: Preserve open space through a variety of preservation techniques.

Preservation techniques include: fee acquisition, zoning and subdivision regulations, clustering, overlay resource protection districts, restrictive covenants, conservation easements, transfer of development rights, purchase of development rights, agricultural districts, incentives to landowners, environmental regulations, tax lien procedures, and gifts. The use of state and local environmental regulations, land use controls and other cost-effective means of open space preservation should be continued. However, sometimes these regulations offer an insufficient level of open space protection of resources. If regulations do not adequately protect a property that meets the County's criteria for acquisition, then it should be considered for acquisition.

Recommendation 4: Connect open space and avoid open space fragmentation.

Isolated open space parcels should be connected to create larger, contiguous areas of open space. Connected areas of open space are easier to manage. Fragmentation of open space should be avoided. Large areas provide sufficient space for a diversity of native plants and animals to exist, while serving as greenways connecting ecosystems and landscapes. Since many of the larger open space parcels have been acquired, smaller parcels now need to be acquired to "connect the dots" of open space. However, in communities that have little open space, it may be important to acquire open space even if it means that certain open space parcels may be isolated.

Recommendation 5: Favor acquisitions that provide multiple public benefits.

When trying to identify those parcels that are most important to conserve as open space, the places offering multiple benefits deserve special attention. For example, land conserved for its important wildlife habitat may contain wetlands that in turn aid in flood and storm water runoff control, and water filtration. Preservation of farm fields for agricultural activities may simultaneously preserve the scenic qualities of a rural road. Lands that will offer open space in combination with one or more major open space goals (such as the connectivity of open space, access to the waterfront, historic or cultural preservation, or important environmental benefits) should be prime properties for acquisition. The most desirable properties for open space acquisition are those that can simultaneously accomplish the largest number of open space goals. This concept is reflected in the format of the new open space rating systems: a higher rating will be obtained if the land offers multiple benefits.

Recommendation 6: Hold open space lands in perpetuity.

Under provisions of Article I of the Suffolk County Charter, once purchased by Suffolk County, Agricultural development rights and land dedicated to the Nature Preserve and Historic Trust cannot be sold or otherwise transferred by the County without affirmative approval of the voters in a Countywide referendum. Once acquired for open space, land will be held by the County in perpetuity.

Recommendation 7: Plan and provide for public access to open space acquisitions.

Public access to open space areas should be considered when identifying places for acquisition by the County. Access to County-owned open space should be provided to all County residents. Any property bought with County funds in partnership with another municipality should also be open for access to any County resident. For environmentally sensitive areas and sites that have been designated as County Nature Preserves, restricted public access may be necessary, but should allow minimally intrusive uses such as hiking, bird watching, and coastal access, where possible.

Recommendation 8: Parcels acquired for active recreation should meet public access and environmental protection criteria, as well as provide adequate funding for park development and maintenance.

Potential acquisitions for active parkland must be evaluated based on certain characteristics of the site, including environmental factors, accessibility, adjacent development, and public support. Active recreation sites should not impact environmentally sensitive lands. Compatibility with nearby development and adequate transportation infrastructure to accommodate increased activity that an active park may generate should be part of the detailed evaluation of the site. Furthermore, County recreation sites should not duplicate existing commercial recreation services within the same service area.

The cost of adequate management and stewardship of new open space acquisitions must be taken into account. Active recreation facilities require staffing, maintenance and construction of public facilities and associated parking areas. Additional funding beyond land acquisition costs must be available for these items. The use of a dedicated funding source for the development and maintenance of County parks should become an integral part of the County's annual budget.

Recommendation 9: Leverage open space financing with partners, both public and private.

While usually the County purchases and manages open space on its own, it sometimes forges partnerships with other municipalities, and to a lesser extent non-profit agencies and private entities. Examples of non-profit agencies include The Nature Conservancy, the Peconic Land Trust and the National Audubon Society. Partnerships can greatly reduce the amount of County funding required to secure lands for open space. Partnerships should continue to be forged to protect, restore, connect, expand access to, develop recreation facilities for, or provide management of open space areas. If a parcel in consideration for acquisition by the County is in proximity to open space lands owned by another municipality, the County should consider partnering with the other municipality in acquiring the parcel for open space. If the County enters into an agreement with a non-profit to manage County-owned land, the land should remain accessible to the public at all times, similar to County-owned parks.

Recommendation 10: Emphasize the preservation of larger parcels or groups of parcels that are of an appropriate regional scale and size for County ownership and management.

Each level of government (federal, state, county, town, and village) has its own open space goals based on its interests. In general, very large sites should be acquired by the State or Federal Government, large sites by the County, smaller sites by the towns, and very small sites by villages. While there can be some room for discussion or evaluation of smaller parcels on a case-by-case basis, in general the County should focus its open space acquisition efforts on large parcels. Large parcels are generally those greater than 50 acres or a combination of contiguous parcels totaling 50 or more acres.

Recommendation 11: Encourage management partnerships with other levels of government when smaller parcels are acquired for open space.

As mentioned, the acquisition of small open space parcels detached from any existing County open space should be a town or village concern. Generally, desirable open space lands that are less than three acres in size should be acquired by the local town or village, or protected through regulatory mechanisms. However, there are instances where County involvement is warranted, such as if the site is part of a larger stream corridor, open space corridor or helps fulfill some other County open space goal. In these cases, management partnerships or joint financing of open space acquisitions are desirable.

Recommendation 12: Acquire lands in old filed map areas that are environmentally sensitive or that have other desirable characteristics for open space acquisition.

Old filed maps contain many small substandard lots that predate zoning. The County should continue to obtain ownership to land in large (generally 20 or more acres) old filed map areas where there are environmentally sensitive habitats or other open space attributes. If sizeable numbers of parcels in these areas are acquired, the County should ultimately abandon the underlying old filed map, obtain title to the undeveloped streets, and create one large tax map parcel of dedicated County open space. Where the County currently owns fifty percent or more of an existing old filed map, the County should attempt to obtain the remainder of the map through tax lien procedures, negotiated purchase, or as a last resort, condemnation. The use of TDRs can also be effective in acquiring land in these areas.

Recommendation 13: Acquire open space parcels in or near downtown areas prudently.

The County's primary open space goals are the protection of natural environments, protecting farmland, and providing sites for active recreation. While development, redevelopment, and open space near Suffolk County's downtown areas is usually a local (town or village) concern, the County is committed to its downtown areas. Suffolk County has funded a Downtown Revitalization Program since 1999. In some cases the County may want to become involved in buying land (preferably vacant or underutilized parcels) for open space purposes in a downtown area. A local master plan or downtown hamlet study can be useful in helping to offer suggestions for the best potential open space sites, and these should be considered by the County in partnering with a locality to acquire open space in a downtown area. It is not the specific policy of the County to acquire open space lands for hamlet or downtown areas. Therefore, County funding of downtown or neighborhood parks should be limited unless County policy is specifically modified to provide for such uses.

Recommendation 14: Acquire improved parcels for open space cautiously.

Undeveloped properties in environmentally sensitive areas, farmland and lands for active recreation uses are the first priorities of the County's open space acquisition programs. If an improved property is primarily pristine, its acquisition for open space purposes is desirable. Historic properties are technically developed, but may be desirable for park acquisition. However, urban renewal is not a goal of open space acquisition and a developed property should not be acquired under an open space program.

Recommendation 15: Pursue the acquisition of conservation easements carefully and ensure their protection in perpetuity.

In pursuing the establishment of a conservation easement, the advantages and disadvantages of a conservation easement should be evaluated. A conservation easement should provide specific open space benefits and further the open space goals of the County. Although the cost of acquisition and management is much lower than the cost of purchase, a conservation easement area is not necessarily accessible by the public. Also, sometimes there is an expiration

date to the conservation easement, after which time the land reverts completely to the owner and can be used as the owner desires. Any new conservation easement must be specific and should be properly filed and reflected in the individual deeds of the affected parcels so that it stays in perpetuity to ensure its preservation as open space. Any area subject to a conservation easement should remain in its natural state or should revert to its natural state if the property has been previously disturbed. Along with the specific terms of the agreement, the easement should also contain a monitoring program to ensure compliance with the agreement.

Recommendation 16: Apply a population density factor in the acquisition parcel rating system for parcels in areas that are heavily populated.

Open space is a precious resource anywhere in the County, but is particularly cherished in or near areas that are heavily developed. In addition, demand for active recreation may be greater in areas where population density is higher. A density factor should be included in an open space parcel rating system for active recreation and historic/cultural park uses. If a parcel being considered for acquisition is located in a hamlet with a relatively high population density (greater than 2,000 persons per square mile), the parcel should be given a higher priority. The rating form in Appendix III does include such a factor.

Recommendation 17: Pursue borrowing for open space acquisitions prudently.

In 2001, the County leveraged the New Drinking Water Protection Program dedicated fund for \$62 million through a low-cost financing arrangement, similar to bonding, provided by the New York State Environmental Facilities Corporation. The resulting low-interest borrowing helps to accelerate acquisitions under this program. The County should pursue borrowing for open space acquisitions if it seems prudent given current interest rates and the state of the real estate market at the time.

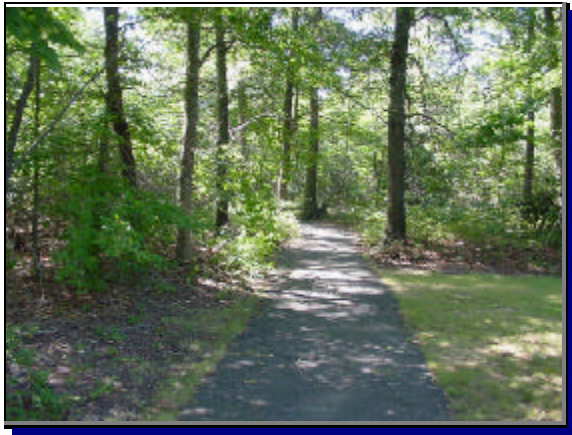
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CONCLUSION



North



West



East



South

The overall goal of open space preservation is to preserve the fundamental well being of Suffolk County, its residents and its environment.

Conclusion

North - McAllister County Park, between the LI Sound and Pt Jefferson Harbor, Brookhaven Town. Photo courtesy of St. Joseph's College from

<http://www.newsday.com/features/custom/names/ny-namesofli-mcallistercountypark,0,3253220.htmlstory>, downloaded 2/24/2004.

West - West Hills County Park, Huntington Town. Suffolk County Department of Parks photo from web site, downloaded 2/24/2004.

South - Cupsogue Beach County Park, Brookhaven Town. Suffolk County Department of Parks photo from web site, downloaded 2/24/2004.

East - Sears Bellows County Park, Southampton Town from

<http://www.lirv.com/2001pics/searsbellows831/imagepages/image28.htm>, downloaded 2/24/2004.

Conclusion

Suffolk County has been a national leader in the preservation of environmentally sensitive open space, the development of parks and recreation facilities, and the protection of farmland. These efforts have included the preservation of more than 50,000 acres of permanently protected land - a combined area that is larger than the entire town of Riverhead.

While a significant part of the County is developed, tens of thousands of acres of vacant, privately owned land remain available for future use. Some of this land is suited for development, especially for appropriately planned projects that provide affordable housing and economic development opportunities in areas that are not environmentally sensitive. However, a portion of the remaining vacant land also consists of important open space that should be protected based on the goals expressed in this plan. This effort should occur at all levels of government using all of the tools of preservation that are available.

This report presents an updated comprehensive approach that will help to guide Suffolk County in acquiring open space for at least the next decade. It includes the articulation of open space preservation techniques, open space goals, revised open space rating forms, and recommendations to help guide the County's future open space policy decisions.

Given the limited funds available for the acquisition of open space, it is essential to conserve the most important of the remaining undeveloped land. In 1964, the Suffolk County Department of Planning's report *Planning for Open Space in Suffolk County* discussed the importance of planning for open space. The report made a critical statement about the importance of deciding which lands should be purchased by government for open space:

"The planner has a responsibility to assess the needs, propose and examine the alternatives, and then offer recommendations based on the integrated elements of the total plan. Seemingly desirable programs must stand the test of analytical scrutiny. Justification is in order. Without proper examination, it is possible for improper sites to be selected, public lands dissipated to the detriment of the open space program and the loss of valuable open areas through default. Of more concern is the potential loss of public support through such incompetence."⁸

This statement still holds true today, and its message is more important than ever.

As expressed in this report, the overall goal of open space preservation is to preserve the fundamental well being of Suffolk County - its residents and its environment. As the final build-out of the County occurs in the next couple of decades, the policies and actions of today will determine the form and impact to our communities tomorrow and the ultimate success or failure to meet this goal.

⁸Suffolk County Department of Planning, 1964, *Planning For Open Space in Suffolk County* (Hauppauge, NY), p. ii.

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APPENDIX

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SUFFOLK COUNTY OPEN SPACE RATING SYSTEM FOR NATURAL ENVIRONMENTS

This ranking system for natural environments is designed to clarify the recommendation and acquisition process for parcels of land that might be acquired with funds from the New Drinking Water Protection Program or any of the other open space programs that are designed for the protection of natural environments. This ranking system is used if a **YES** is indicated in any category listed on this page.

NEW DRINKING WATER PROTECTION PROGRAM

If the property is being recommended for acquisition under the **New Drinking Water Protection Program (1999)**, then it must meet at least one of the following criteria:

- | | | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|-----|
| 1. Freshwater/tidal wetlands and buffer lands for same | _____ | YES |
| 2. Lands within the watershed of a coastal stream as determined by a reasonable planning or hydrological study | _____ | YES |
| 3. Any tract of land located fully or partially within a statutorily designated Special Groundwater Protection Area | _____ | YES |
| 4. Lands determined by the County Department of Planning to be necessary for maintaining the quality of surface or groundwater in Suffolk County | _____ | YES |
| 5. Lands identified by the South Shore Estuary Reserve (SSER), Peconic Estuary Program (PEP), and/or the Long Island Sound Comprehensive Conservation and Management Plan (LICMP) as needed to protect coastal water resources | _____ | YES |

If YES to any of the above, then go to the next page.

OTHER OPEN SPACE PROGRAMS

If the property is being recommended for acquisition under **any other open space program for the protection of natural environments, including the following components of the Multifaceted Land Preservation Program:**

- | | | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|-----|
| • for environmentally sensitive land acquisition | _____ | YES |
| • for watershed/estuary protection | _____ | YES |
| • for drinking water protection purposes | _____ | YES |
| • Other open space programs: 1986 Open Space Preservation, 1987 Drinking Water Protection, Land Preservation Partnership, Community Greenways Fund (open space component), or the New Drinking Water Protection Program. | _____ | YES |

If YES to any of the above, then go to the next page.



**SUFFOLK COUNTY OPEN SPACE RATING SYSTEM
FOR NATURAL ENVIRONMENTS**

Score Subtotal

NATURAL RESOURCE CHARACTERISTICS

A. WETLANDS AND BUFFER AREAS

1. Site contains tidal or freshwater wetlands as identified by New York State Department of Environmental Conservation or local town/village approved maps.
(Greater than 50%=10pts.; between 50% and 25%=8pts.; less than 25%=5 pts.) _____
2. Site contains the buffer area of a tidal wetland (approx. 300 ft.)
or freshwater wetland. (approx. 100 ft.) (5 pts.) _____
3. Site contains both tidal and freshwater wetlands as identified by New York State
Department of Environmental Conservation or local town/village approved maps.
(2 pts.) _____
4. Site is located within a drainageway with at least one of the following soil types:
At, Bd, Ca, De, Mu, ScB, SdA, SdB, Su, Tm, Wa, Wd, We, Wh (2 pts.) _____

SUBTOTAL _____

B. GROUNDWATER RESOURCES

1. Site is located within the Pine Barrens Core Area. (10 pts.) _____
2. Site is located within a Special Groundwater Protection Area (SGPA), but not within the
Pine Barrens Core Area. (8 pts.) _____
3. Site is located within Hydrogeologic Zone I or Zone III (deep aquifer recharge
area), but not within the Pine Barrens Core Area or a SGPA. (3 pts.) _____

SUBTOTAL _____

C. NATURAL HABITAT

1. Site contains endangered, threatened and/or species of special concern pursuant to
Federal/New York State listings as identified under ECL Section 11-0535; regulation
6NYCRR Part 182.5 (10 pts.) _____
2. Site contains a New York State Natural Heritage Program Element(s) with a Global
rank of G1, G2 or G3 and/or a State rank of S1, S2 or S3. (5 pts.) _____
3. Site contains an endangered, threatened, exploitably vulnerable or rare New York
State Protected Native Plant species as identified under ECL Section 9-1503; regulation
6 NYCRR Part 193.3 (4 pts.) _____
4. Habitat diversity – Site contains three or more habitat cover types (i.e. pine barrens,
mature oak forest, wetland, maritime shrubland, etc.) (2 pts.) _____

SUBTOTAL _____



SUFFOLK COUNTY OPEN SPACE RATING SYSTEM FOR NATURAL ENVIRONMENTS

Score Subtotal

PHYSICAL CHARACTERISTICS

A. GEOLOGICAL LANDFORMS AND BOUNDARIES

1. Site includes or is adjacent (approx. 300 ft.) to a waterbody such as an ocean/ bay/ sound/ pond/ lake/ river/ stream/ creek. (5 pts.)
2. Site contains a unique geological landform (i.e. kettlehole, dune, bluff, escarpment, other) or is located within a major swale area that contributes direct runoff to surface waters. (3 pts.)
3. Site contains more than one waterbody, geologic landform as identified in No. 1 and No. 2 above. (2 pts.)
4. Site is located within the FIRMs 100-year floodplain (V Zone). (2 pts.)
5. Site is located within the FIRMs 100-year floodplain (A Zone). (1 pt.)

SUBTOTAL

B. SIZE

1. Over 50 acres. (10 pts.)
2. Between 10 and 50 acres. (8 pts.)
3. Between 5 and 10 acres. (5 pts.)

SUBTOTAL

C. LOCATION

1. Site is adjacent or near (approx 300 ft.) to other County Parkland. (5 pts)
2. Strategic parcel associated with an area earmarked by the Suffolk County Planning Department for future park acquisition or where significant County park/open space interests already exist. (4 pts.)
3. Site has been identified for environmental protection by an estuary program plan: Long Island Sound Study CCMP, Peconic Estuary Plan CCMP or the South Shore Estuary Reserve Plan CMP. (3 pts.)
4. Site is adjacent or near (approx. 300 ft.) to other protected parklands (i.e. Federal, state, town, village or is located within a New York State designated Wild, Scenic and Recreational Rivers corridor). (2 pts.)
5. Site will provide public access to the shoreline (i.e. ocean, bay, etc.). (2 pts.)
6. Site is located within or adjacent to a designated greenbelt or historic trail. (2 pts)
7. Site will provide special view from a high elevation, scenic roadway, major road corridor, waterfront, etc. (2 pts.)
8. Site is adjacent or near (approx. 300 ft.) to private open space. (1 pt.)

SUBTOTAL

STEWARDSHIP MANAGEMENT AGREEMENT

1. Inter-municipal management agreement with Federal, state, town and/or village. (5 pts.)
2. Management agreement with non-profit environmental organization. (1 pt.)

SUBTOTAL

TOTAL SCORE (maximum = 100 points)

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SUFFOLK COUNTY OPEN SPACE RATING SYSTEM FOR ACTIVE RECREATION, HISTORIC AND/OR CULTURAL PARK USES

This rating system for active recreation, historic and/or cultural park uses is designed to clarify the recommendation and acquisition process for parcels of land that might be acquired with funds from the Suffolk County Community Greenways Fund (active parklands component), the Multifaceted Land Preservation Program (Active Parklands Stage II) or the Multifaceted Land Preservation Program (Parkland Purposes).

SUFFOLK COUNTY COMMUNITY GREENWAYS FUND or MULTIFACETED LAND PRESERVATION PROGRAM, ACTIVE PARKLANDS STAGE II

If the property is being recommended for acquisition for active recreation under: 1) the Suffolk County Community Greenways Fund (active parklands component - Laws of Suffolk County, New York, Part I Charter, Article XI(A) or 2) the Multifaceted Land Preservation Program (Active Parklands Stage II - Suffolk County Resolution Nos. 459-2001 and 602-2001), then Suffolk County has to enter into a written binding agreement with another municipality, school district or community group, as specified by either program, and meet at least one of the following criteria to improve and maintain the property for active park use:

Agreement with municipality, school district or community group is completed or has been initiated by resolution of the municipality, school district or community group

YES _____

If YES, then answer the following list of criteria .

Site must meet at least one of the following criteria as its proposed recreational use(s):

- Additional space for playgrounds
- Use as a soccer field
- Use as a football field
- Use as a baseball field
- Use for outdoor concerts
- Use for horseback riding or equine endeavors
- Use for other community recreational needs

YES _____

YES _____

YES _____

YES _____

YES _____

YES _____

YES _____

If YES to any of the above criteria, then go to the next page.

Note: Site plans and a completed Environmental Assessment Form is required to be submitted to the Suffolk County Department of Planning and the Suffolk County Department of Parks, Recreation and Conservation as part of this review process.

Note: Golf courses are not to be considered as an active recreation acquisition under these programs.

MULTIFACETED LAND PRESERVATION PROGRAM

If the property is being recommended for acquisition under the following component of the Multifaceted Land Preservation Program:

- for parkland purposes

YES _____

If YES, then go to the next page.



**SUFFOLK COUNTY OPEN SPACE RATING SYSTEM
FOR ACTIVE RECREATION, HISTORIC AND/OR CULTURAL PARK USES**

Score Subtotal

RECREATIONAL CHARACTERISTICS

A. HISTORIC/ CULTURAL FEATURES

1. Site is location of prehistoric/archeological significance and/or findings as identified by the NYS Office of Parks, Recreation and Historic Preservation. (5 pts.)
2. Site is listed on the National or State Register of Historic Places. (5 pts.)
3. Site is located within a town designated historic district or is an historic landmark. (4 pts.)
4. Site is located within a designated greenbelt or historic trail. (4 pts.)

SUBTOTAL

B. SITE ATTRIBUTES

1. Site can/will adequately accommodate the proposed recreational use(s) of the site and its associated parking needs. (5 pts.)
2. Site is accessible to all residents of Suffolk County by means of an adequate roadway that would accommodate the proposed recreational use. (5 pts.)
3. Site and its proposed use(s) will not compromise or reduce any environmentally sensitive natural habitats such as wetlands, rare upland plant/forest habitats, habitats of endangered, threatened and/or special concern species pursuant to Federal/New York State listings. (5 pts.)
4. Site will provide public access to the shoreline (i.e. ocean, bay, etc.). (5 pts.)
5. Site will provide special view from a high elevation, scenic roadway, major road corridor, etc. (5 pts.)

SUBTOTAL

C. COMMUNITY VALUES

1. Site and its proposed recreational use(s) have community support. (10 pts.)
2. Site and its proposed use(s) will provide a recreational opportunity in an area that is presently deficient in this use or similar recreational uses. (5 pts.)
3. Site is located adjacent to another existing public recreational area where this acquisition will enhance the recreational uses of both sites. (4 pts.)
4. Site is located within a census designated place with a population density greater than 2,000 persons per square mile. (4 pts.)

SUBTOTAL

D. STEWARDSHIP

1. Inter-municipal management agreement with Federal, state, town and/or village. (10 pts.)
2. Management agreement with non-profit community organization. (7 pts.)

SUBTOTAL



**SUFFOLK COUNTY OPEN SPACE RATING SYSTEM
FOR ACTIVE RECREATION, HISTORIC AND/OR CULTURAL PARK USES**

Score Subtotal

PHYSICAL CHARACTERISTICS

A. SIZE

1. Over 25 acres. (5 pts.)
2. Between 10 and 25 acres. (4 pts.)
3. Between 3 and 10 acres. (3 pts.)

SUBTOTAL

B. LOCATION

1. Site is adjacent or near (approx. 300 ft.) to other County Parkland. (5 pts.)
2. Site is adjacent or near (approx. 300 ft.) to other protected parklands (i.e. Federal, state, town, village). (4 pts.)
3. Site is adjacent to private park/recreational use. (3 pts.)

SUBTOTAL

TOTAL SCORE (maximum = 100 points)

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SUFFOLK COUNTY FARMLAND RATING SYSTEM FOR THE PURCHASE OF DEVELOPMENT RIGHTS (PDR)

This rating system was developed for the evaluation of farm properties for the potential purchase by the development rights (PDR) program. The system considers four major factors: contiguity, vistas, soils, and value. The first two factors seek to preserve large blocks of farmland thus protecting the land from non-agricultural intrusions and preserving the scenic vistas. Soils which are better for farming such as Bridgehampton and Haven associations are assigned higher point values. Slope also plays a part in the soil type and desirability of farmland. The estimated price of the farmland is also considered in the evaluation. Bonuses are given for land in Agricultural Districts, and negative points may be given for negative impacts such as excavations.

Point		Total Points
Value	Contiguity: Proximity to preserved farm properties	
5	PDR properties on three sides	.....
4	PDR properties on two sides	.....
3	PDR properties on one side	.....
2	large amount of protected farmland nearby	.....
1	some protected farmland nearby	.....
0	no protected farmland nearby	.....
	Vistas	
5	long road frontage and part of a large block of farmland (100+ acres)	.....
4	small road frontage and part of a large block of farmland	.....
3	long road frontage and part of a small block of farmland	.....
2	small road frontage and part of a small block of farmland	.....
1	less than 100' of road frontage and part of a large block of farmland	.....
0	less than 100' of road frontage and part of a small block of farmland	.....
	Soils	
5	Capability Unit I-1: Bridgehampton, Haven, Montauk	.....
4	Nearly flat Class II: Riverhead, Scio, Plymouth, Haven, Montauk	.....
3	Best soils but with some slope: Bridgehampton, Haven, Montauk	.....
2	Other Class II soils with some slope: Montauk, Riverhead, Scio, Sudbury	.....
1	Non-prime soil that is farmed: Plymouth	.....
0	Poor soil	.....
	Approximate Development Rights Value Per Acre	
5	\$30,000 or less	.....
4	\$30,001-\$45,000	.....
3	\$45,001-\$60,000	.....
2	\$60,001-\$80,000	.....
1	\$80,001-\$100,000	.....
0	\$100,001-\$200,000	.....
-1	\$200,001-\$500,000	.....
-2	\$500,001 or more	.....
	Adjustments	
2	Bonus for being in an Agricultural District
-1 or -2	Other negative factors
	TOTAL	=====

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